

PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

FOR OFFICIAL USE ONLY:	
SSD 201	<u>4-70</u>
Acceptance Date:	<u>6-14-16</u>
Website Posting Date:	<u>6-21-16</u>
Determination Date:	<u>6-14-16</u>
Planning Commission Date:	<u>NA</u>
Expiration Date:	<u>6-14-17</u>
Planner Assigned:	<u>JS</u>

Instructions: File all information requested under Part A for processing the Determination of Applicability (§8-27.1), including signature page. Fill out Parts A and B if you know, due to proximity of the shoreline, that your parcel will require a Certified Shoreline Survey. If you are proposing a permitted structure or subdivision within the shoreline setback area fill in Part C. For applications involving a variance, complete Part D.

Applicant Information	
Applicant: <u>ED BITTNER</u>	
Mailing Address: <u>PO BOX 456</u>	Phone: <u>822 4053</u>
<u>ANAHOLA HI 96703</u>	Email: <u>ed@bittnerconstruction.com</u>
Applicant's Status: (Check one)	
<input type="checkbox"/> Owner of the Property	(Holder of at least 75% of the equitable and legal title)
<input type="checkbox"/> Lessee of the Property	Lessee must have an unexpired and recorded lease of five (5) years or more from the date of filing of this application. If not, Owner(s) must provide a Letter of Authorization.
<input checked="" type="checkbox"/> Authorized Agent	Attach Letter of Authorization
Transmittal Date: <u>4-7-16</u>	

Project Information (attach additional sheets, if necessary)	
County Zoning District: <u>HANALEI</u>	Tax Map Key(s): <u>5-5-10-63</u>
<u>R-4</u>	Land Area: <u>7984</u>
Nature of Development: (Description of proposed structure or subdivision)	<u>ELEVATOR</u>

**NO PERMITS WILL BE ISSUED WITHOUT PLANNING COMMISSION ACCEPTANCE,
EXCEPT AS PROVIDED IN §8-27.8(c)(8)**

Part A

Shoreline Setback Determination of Applicability (§8-27.1)

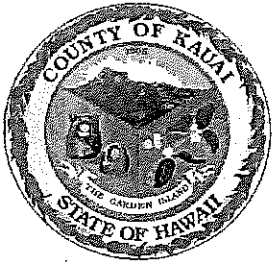
Check all that apply, fill in applicable information. Any box checked must be accompanied by additional information, photos and/or documentation.

- ☐ Properties Abutting the Shoreline
☐ Project's approximate distance from shoreline: _____
- ☒ Properties Not Abutting the Shoreline
☒ Project's approximate distance from shoreline: 510'

☒ Additional Information:

- ☒ Closest distance of improvement(s) from Shoreline is approximately 530 ft.
- ☒ Number of parcels and type of improvements (roads, buildings, structures) between Shoreline and this parcel:

<u>5120 WEKE RD (POULICHO PARK)</u>
<u>WEKE ROAD</u>
<u>5111 WEKE ROAD</u>



PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

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SSD 201____ - ____

Acceptance Date: _____

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Determination Date: _____

Planning Commission Date: _____

Expiration Date: _____

Planner Assigned: _____

- ☒ Topography (undulating, flat, slope, etc.) and ground elevation of subject parcel (Lowest and Highest elevations)

FLAT

- ☒ Shoreline type (e.g. beach, dune, rocky, sandy with rocky outcropping, etc.)

BEACH

- ☐ Artificially armored Shoreline

☐ If checked, what type of armoring (e.g. seawall, revetment, bulkhead): _____

☐ Is the armoring permitted/authorized? _____

☐ Date of authorization (attach copy of authorization letter): _____

- ☐ Is property in coastal floodplain (if checked, what zone)? _____

- ☐ Has this property been subject to coastal hazards in the past? (If checked, please describe)

If the proposed structure or subdivision is within the shoreline setback area then, please be aware that if the determination of a structure is approved, the Applicant shall agree in writing that the Applicant, its successors, and permitted assigns shall defend, indemnify, and hold the County of Kauai harmless from and against any and all loss, liability, claim or demand arising out of damages to said structures from any coastal natural hazards and coastal erosion, pursuant to §8-27.7(b)(2).

The requirements of the Subsection (b) shall run with the land and shall be set forth in a unilateral agreement recorded by the applicant with the Bureau of Conveyances or the Land Court, whichever is applicable, no later than thirty (30) days after the date of final shoreline approval of the structure under §8-27.8. A copy of the recorded unilateral agreement shall be filed with the Director and the County Engineer no later than forty-five (45) days after the date of the final shoreline determination and approval of the structure and the filing of such with the Director shall be a prerequisite to the issuance of any related building permit. §8-27.7(b)(6).

Applicant's Signature

Edna B. [Signature]

4-7-16

Signature

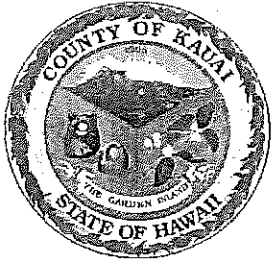
Date

Applicability (to be completed by Planning Department)

- ☒ Setback Determination necessary. Requirements of Ordinance No. 979 are applicable.

[Signature]
Planning Director or designee

6-1-16
Date



PLANNING DEPARTMENT SHORELINE SETBACK DETERMINATION

If **Part A** has been deemed that a Determination will be necessary, the additional information will be required for submission of this application.

Part B

Exemption Determination

- ☐ A non-refundable processing fee of one hundred dollars (\$100.00) shall accompany a request for determination. (§8-27.8(e))

☐ **Exemption 1**

In cases where the proposed structure or subdivision satisfies the following four criteria:

(A) In cases where the proposed structure or subdivision is located outside of the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) 'V' or 'VE' flood zones;

(B) The proposed structure or subdivision is located at an elevation which is thirty (30) feet above sea level or greater;

(C) The applicant can demonstrate to the satisfaction of the Planning Director that the property is clearly adjacent to a rocky shoreline and that it will not affect or be affected by coastal erosion or hazards; and

(D) The shoreline setback shall be sixty (60) feet from the certified shoreline which has been established not more than twelve (12) months from the date of the application for the exception under this section.

☒ **Exemption 2** *see attached letter*

In cases where the applicant can demonstrate to the satisfaction of the Planning Director that the applicant's proposed structure or subdivision will not affect beach processes, impact public beach access, or be affected by or contribute to coastal erosion or hazards, excluding natural disasters. Factors to be considered shall include, but not be limited to, proximity to the shoreline, topography, properties between shoreline and applicant's property, elevation, and the history of coastal hazards in the area.

☒ **Exemption 3**

Those structures and uses found exempt in Table 3 (§8-27.7) (see pg. 5-6)

- ☐ Letter from the Department of Public Works stating that the proposed project does not constitute "Substantial Improvement," pursuant to §8-27.2

Exemption Determination (to be completed by Planning Department)

Pursuant to §8-27.3 the Kaua'i County Code, 1987 as amended, the Planning Department hereby certifies the proposed structure(s) or subdivision(s) as exempt from those shoreline setback determination requirements established under §8-27.8.


Planning Director or designee

6-14-16
Date

BITTNER CONSTRUCTION LLC

GENERAL CONTRACTING LIC. # ABC 24834

EDWARD BITTNER

P.O. Box 456, Anahola, HI 96703

ED@BITTNERCONSTRUCTION.COM

PHONE: (808) 822-4053

CELLULAR: 651-3012

FAX: 822-9631

4-7-16

County of Kauai
Planning Department
Planning Director

Re: Shoreline Setback Determination

Sir:

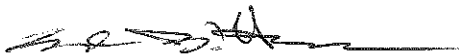
My client, Peter Courture, has recently purchased a property at 5108 Opele St. in Hanalei, and would like to install an elevator. He is disabled, and needs the elevator to access the second story of his building.

I was told that because the project is within 550 feet of the shoreline, a shoreline setback application must be approved. I believe that this project is eligible for an exemption determination under Exemption 2 for the following reasons:

1. The elevator has a small footprint of 43 sf
2. The proposed elevator location is approximately 530' from the shoreline
3. There is the Hanalei Pavilion Park, Weke Road, and another large residence between the subject property and the shoreline.
4. Because of the intervening distance, structures and roadway, the proposed elevator will not have any affect on any beach processes.
5. There is already parking and access to the beach at the Pavilion Park that will not be hampered by this elevator.
6. Because of the distance, topographies, and intervening structures, the elevator cannot contribute to coastal erosion or hazards
7. The proposed elevator structure cannot be seen from the beach or any roadway as it is in the back yard of the house and blocked by other houses.

Please consider this Shoreline Setback Exemption, and let me know if you require any further information.

Regards,



Ed Bittner

Authorized agent for Peter Courture



Google earth

feet 300
meters 100



PROPOSED ELEVATOR

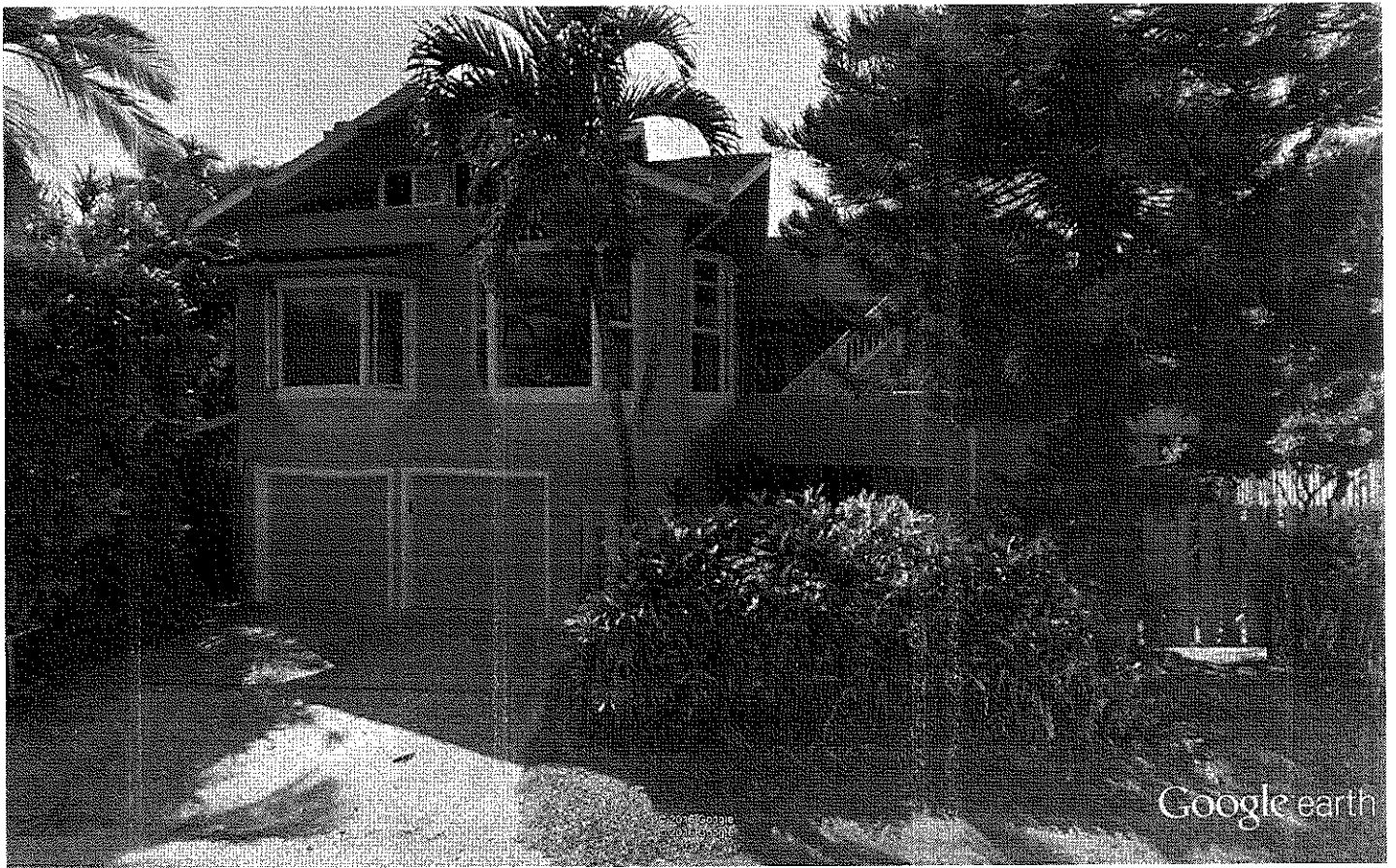


Google earth

feet _____ 9
meters _____ 2



5120 W 5th St



Google earth

feet 10
meters 4



5111 WGRS TEL



DEPARTMENT OF PLANNING STANDARD ZONING PERMIT APPLICATION

One (1) original; If providing plans, five (5) sets, including original, required.
Fees vary based on permits required and range from \$30 to over \$1000.
Proof of 75% fee ownership rights or authorized agent must be attached.

Check One: ☐ Paper Plans ☐ Electronic Plans

This application shall be filled out by all seeking Zoning, Use, Variance, SMA Use or PDU permits pursuant to the Kauai County Code, Hawaii Revised Statutes Chapter 205A and all relevant rules and regulations of the Planning Commission and Department. Supplemental information may be attached to form. SMA applications may also require additional SMA assessment forms. **THIS FORM MUST BE ON GOLDENROD COLORED PAPER.**

COPY DEPARTMENT USE ONLY			
Zoning			Intake By:
Use		COUNTY OF KAUAI	
Variance			Intake Date:
SMA			
PDU		16 APR 15 09:15	Acceptance Date/Ty:
TOTAL FEE:			
Additional Fees:		PLANNING DEPT.	
Receipt Number			
Building Permit No.			
Associated Permits (e.g. SSD)			

Fill in below:			
Tax Map Key Number	5-5-10:63	Condominium Number	
Applicant Name	ED BITNER		
Property Address	5108 OPELU		
Mailing Address	70 BOX 456 ANAHOA, HI		
Parcel Size	7984 #		
Zoning Designation		Contact Phone	822 4053

Applicant Declarations (incorrect responses may slow your permit review) Please place an "X" under Yes or No under the following:

	Yes	No	Staff Verification
1 Is this property located in the Special Management Area (SMA)?	✓		
2 Is this property part of a Condominium Property Regime (CPR)?		✓	
3 Is this property within 550 feet of the shoreline?	✓		
4 Is this property within the Agriculture or Open Zoning Districts?		✓	
5 Is there a structure on the property that is 50 years old or older?		✓	
6 Do you have an Additional Dwelling Unit Certificate?			
7 Is this a permit for an after-the-fact construction or activity?		✓	
8 I hold at least a 75% property interest in the property.		✓	
9 Are you an agent for the property owner?	✓		
10 Has a similar application been previously denied?		✓	
11 Is this an application for an agriculture structure under 200 sq. ft.		✓	
12 Are there any known burials on the site?		✓	
13 Are you using water not provided by a domestic water system?		✓	
14 Does existing grade under footprint change by 2' or more in any direction?		✓	

1. What is the proposed construction and/or intended use of the structure or parcel (may attach additional info)?

ELEVATOR

Peter Courture Trust
PO Box 3692
Los Altos CA 94024

20 March 2016

Re; 5108 Opelu, Hanalei
TMK #4-5-5-010-063

Dear Federal, State, County, and City

Ed Bittner and Bittner Construction are authorized to file for and pull all necessary permits and take all actions reasonably necessary in that regard with respect to 5108 Opelu, Hanalei, TMK #4-5-5-010-063.

Best regards

A handwritten signature in black ink, appearing to read "Peter Courture". The signature is written in a cursive, flowing style.

Peter Courture, Trustee

Certified to be a true, correct and complete copy of
the instrument recorded in the Bureau of
Conveyances of the State of Hawaii

on March 24, 2016 at 8:01 A.M. as

Document No. A-59210424

OLD REPUBLIC TITLE AND ESCROW HAWAII

By [Signature]

Return by mail() pick-up()
The Peter J. Courture Trust
P.O. Box 140
Alder, MT. 59710



6828007195 - RK
RS

7 pages

Tax Map Key No.: 4/ 5-5-010-063

WARRANTY DEED
(subject to "As Is" condition)

THIS WARRANTY DEED (subject to "As Is" condition) is dated March 21, 2016. DAVID CUNNING, Trustee under the Revocable Living Trust dated February 11, 2003, made by DAVID CUNNING as Settlor, and MARY CUNNING, Trustee under the Revocable Trust dated February 11, 2003, made by MARY CUNNING as Settlor, with said Trustees having full powers to sell, convey, mortgage, lease, etc., of Hanalei, Hawaii, hereinafter called the "Grantor", in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration to the Grantor paid by PETER J. COURTURE, Trustee of THE PETER J. COURTURE TRUST dated September 19, 1995, as amended, with full powers to sell, convey, mortgage, lease, etc., whose address is P O Box 140 Alder, Montana, 59710, hereinafter called the "Grantee", the receipt of which is acknowledged, grants and conveys unto the Grantee, as tenant in severalty, the property described in the attached Exhibit "A", hereinafter called the "property".

AND the reversions, remainders, rents, issues and profits and all of the estate, right, title and interest of the Grantor, both at law and in equity, in and to the property.

Bernard P. Carvalho, Jr.
Mayor



Lyle Tabata
Acting County Engineer

Nadine K. Nakamura
Managing Director

DEPARTMENT OF PUBLIC WORKS

County of Kauai, State of Hawaii
4444 Rice Street, Suite 275, Lihue, Hawaii 96766
TEL (808) 241-4992 FAX (808) 241-6604

May 23, 2016

Bittner Construction, LLC.
PO BOX 456
Anahola, HI 96703

Subject: SHORELINE SETBACK APPLICATION
SUBSTANTIAL IMPROVEMENT DETERMINATION
ELEVATOR ADDITION, 5108 OPELU ST, HANAIEI, HI 96714.
TMK: (4) 5-5-010:063
OWNER: PETER COURTURE

Dear Mr. Bittner,

The Kauai County Shoreline Setback and Coastal Protection Ordinance (Ordinance No. 979) Section 8-27.2 defines substantial improvement as "any cumulative series of repairs, reconstruction, improvements, or additions to a structure over a ten (10) year period, where the cumulative cost equals or exceeds fifty percent (50%) of the market value of the structure before the start of construction of the first improvement during that ten (10) year period. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure."

The Department of Public Works (DPW) Engineering Division has reviewed the project that proposes the construction of a new elevator on an existing structure and determined that the proposed improvement does not constitute a substantial improvement. The values used in the determination are explained below.

Market Value

There was one building permit approved for the structure within the past 10 years. The permit was approved in 2015. Therefore, the market value used in the calculations is the Replacement Cost New Less Depreciation (RCNLD) value in 2015 available from the County's Real Property Assessment Division. The 2015 RCNLD on file with the County's Real Property Assessment Division for the structure was determined to be \$347,810. If the owner chooses to dispute this value, then an appraisal of the structure must be provided at the owner's expense. The appraisal shall be prepared by a professional appraiser licensed in the State of Hawaii and the market value shall be based on the "Cost Approach" (or Replacement Cost New Less Depreciation).

An Equal Opportunity Employer

Bittner Construction, LLC.
Elevator Addition, 5108 Opelu St.
May 23, 2016
Page 2

Cost of Improvements

The total cost of improvements for the construction of a new elevator is taken to be the cost estimate of \$104,750 that was provided in the proposal by Bittner Construction, LLC dated April 28, 2016. The value of Building Permit 02-0754, approved in 2015, was \$39,600.

The total value of improvements is summarized as follows for the past 10 years:

Value of Previous Permits	\$39,600
Value of Proposed Improvements	<u>+ \$104,750</u>
Total Value of Improvements	\$144,350

Summary

The cost of improvements compared to the market value is:

$$\frac{\text{Cost of Improvements (past 10 years): } \$144,350}{\text{Market Value (Real Property): } \$347,810} = 0.3288 \text{ or } 33\%$$

Since the total cost does not exceed 50% of the market value, the improvement is not considered to be substantial.

Based on our records there were no other permits for the structure within the past ten years. However, if any unpermitted work has been done, or if there are modifications to this application, our determination shall be considered void and the structure must be re-evaluated.

If you have any questions or need additional information, contact Stanford Iwamoto at (808) 241-4896 or siwamoto@kauai.gov.

Sincerely,

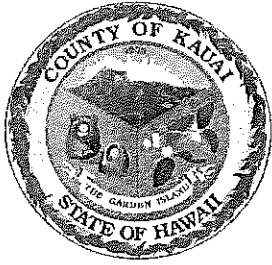


MICHAEL MOULE, P.E.
Chief, Engineering Division

BV/SI/MM

Attachments

Copy: Design and Permitting
Planning



PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

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Acceptance Date:	<u>6-14-16</u>
Website Posting Date:	<u>6-24-16</u>
Determination Date:	<u>6-14-16</u>
Planning Commission Date:	<u>6-28-16</u>
Expiration Date:	<u>6-28-17</u>
Planner Assigned:	<u>JG</u>

Instructions: File all information requested under Part A for processing the Determination of Applicability (§8-27.1), including signature page. Fill out Parts A and B if you know, due to proximity of the shoreline, that your parcel will require a Certified Shoreline Survey. If you are proposing a permitted structure or subdivision within the shoreline setback area fill in Part C. For applications involving a variance, complete Part D.

Applicant Information	
Applicant: <u>Lee, Steinmetz County of Kauai</u>	
Mailing Address: <u>4444 Rice St.</u>	Phone: <u>241-4978</u>
<u>LIHUE HI 96766</u>	Email: <u>lsteinmetz@kauai.gov</u>
Applicant's Status: (Check one)	
<input checked="" type="checkbox"/> Owner of the Property	(Holder of at least 75% of the equitable and legal title)
<input type="checkbox"/> Lessee of the Property	Lessee must have an unexpired and recorded lease of five (5) years or more from the date of filing of this application. If not, Owner(s) must provide a Letter of Authorization.
<input type="checkbox"/> Authorized Agent	Attach Letter of Authorization
Transmittal Date: _____	

Project Information (attach additional sheets, if necessary)	
County Zoning District: <u>ROADWAY N/A</u>	Tax Map Key(s): <u>(4) 1-3-003:999 (4) 1-3-008:999</u>
	Land Area: <u>N/A</u>
Nature of Development: (Description of proposed structure or subdivision)	<u>construct sidewalk in existing disturbed COUNTY ROW</u>

**NO PERMITS WILL BE ISSUED WITHOUT PLANNING COMMISSION ACCEPTANCE,
EXCEPT AS PROVIDED IN §8-27.8(c)(8)**

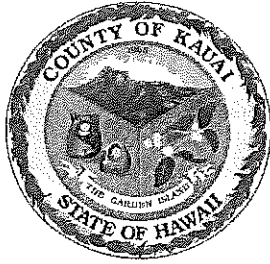
Part A

Shoreline Setback Determination of Applicability (§8-27.1)

Check all that apply, fill in applicable information. Any box checked must be accompanied by additional information, photos and/or documentation.

- ☐ Properties Abutting the Shoreline
☐ Project's approximate distance from shoreline: _____
- ☒ Properties Not Abutting the Shoreline
☐ Project's approximate distance from shoreline: 98'
- ☐ Additional Information:
☐ Closest distance of improvement(s) from Shoreline is approximately _____ ft.
☐ Number of parcels and type of improvements (roads, buildings, structures) between Shoreline and this parcel:

--



PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

FOR OFFICIAL USE ONLY:	
SSD 201 -	
Acceptance Date:	
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Determination Date:	
Planning Commission Date:	
Expiration Date:	
Planner Assigned:	

- ☐ Topography (undulating, flat, slope, etc.) and ground elevation of subject parcel (Lowest and Highest elevations)

FLAT

- ☐ Shoreline type (e.g. beach, dune, rocky, sandy with rocky outcropping, etc.)

ROCKY

- ☒ Artificially armored Shoreline

☐ If checked, what type of armoring (e.g. seawall, revetment, bulkhead):

☒ Is the armoring permitted/authorized? **YES**

☐ Date of authorization (attach copy of authorization letter):

- ☒ Is property in coastal floodplain (if checked, what zone)? **SPECIAL Flood Hazard Area-Tsunami**

- ☒ Has this property been subject to coastal hazards in the past? (If checked, please describe)

Flooding

If the proposed structure or subdivision is within the shoreline setback area then, please be aware that if the determination of a structure is approved, the Applicant shall agree in writing that the Applicant, its successors, and permitted assigns shall defend, indemnify, and hold the County of Kaua'i harmless from and against any and all loss, liability, claim or demand arising out of damages to said structures from any coastal natural hazards and coastal erosion, pursuant to §8-27.7(b)(2).

The requirements of the Subsection (b) shall run with the land and shall be set forth in a unilateral agreement recorded by the applicant with the Bureau of Conveyances or the Land Court, whichever is applicable, no later than thirty (30) days after the date of final shoreline approval of the structure under §8-27.8. A copy of the recorded unilateral agreement shall be filed with the Director and the County Engineer no later than forty-five (45) days after the date of the final shoreline determination and approval of the structure and the filing of such with the Director shall be a prerequisite to the issuance of any related building permit. §8-27.7(b)(6).

Applicant's Signature

[Signature]

Signature

5/6/16

Date

Applicability (to be completed by Planning Department)

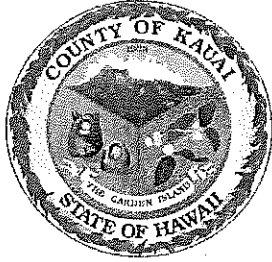
- ☒ Setback Determination necessary. Requirements of Ordinance No. 979 are applicable.

[Signature]

Planning Director or designee

6-14-16

Date



PLANNING DEPARTMENT SHORELINE SETBACK DETERMINATION

If Part A has been deemed that a Determination will be necessary, the additional information will be required for submission of this application.

Part B

Exemption Determination

- ☐ A non-refundable processing fee of **one hundred dollars (\$100.00)** shall accompany a request for determination. (§8-27.8(e))
- ☐ **Exemption 1**
In cases where the proposed structure or subdivision satisfies the following four criteria:
(A) In cases where the proposed structure or subdivision is located outside of the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) 'V' or 'VE' flood zones;
(B) The proposed structure or subdivision is located at an elevation which is thirty (30) feet above sea level or greater;
(C) The applicant can demonstrate to the satisfaction of the Planning Director that the property is clearly adjacent to a rocky shoreline and that it will not affect or be affected by coastal erosion or hazards; and
(D) The shoreline setback shall be sixty (60) feet from the certified shoreline which has been established not more than twelve (12) months from the date of the application for the exception under this section.
- ☒ **Exemption 2**
In cases where the applicant can demonstrate to the satisfaction of the Planning Director that the applicant's proposed structure or subdivision will not affect beach processes, impact public beach access, or be affected by or contribute to coastal erosion or hazards, excluding natural disasters. Factors to be considered shall include, but not be limited to, proximity to the shoreline, topography, properties between shoreline and applicant's property, elevation, and the history of coastal hazards in the area.
- ☐ **Exemption 3**
Those structures and uses found exempt in Table 3 (§8-27.7) (see pg. 5-6)
- ☐ Letter from the Department of Public Works stating that the proposed project does not constitute "Substantial Improvement," pursuant to §8-27.2

Exemption Determination (to be completed by Planning Department)

Pursuant to §8-27.3 the Kaua'i County Code, 1987 as amended, the Planning Department hereby certifies the proposed structure(s) or subdivision(s) as exempt from those shoreline setback determination requirements established under §8-27.8.



Planning Director or designee

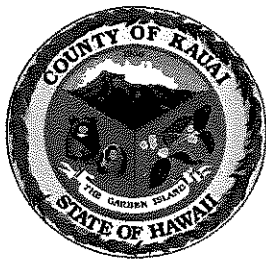


Date



Copyright ©2012 Pictometry International Corp.

Plans on file



PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

FOR OFFICIAL USE ONLY:	
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Planner Assigned:	<u>JIC</u>

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Applicant Information	
Applicant:	KAMAL SALIBI
Mailing Address:	P.O. BOX 1722 LIHUE, HI 96766
Phone:	808-639-0770 OR DEBBIE 808-346-7833
Email:	kamal@truebluekauai.com & permit@service@gmail.com
Applicant's Status: (Check one)	
<input checked="" type="checkbox"/> Owner of the Property	(Holder of at least 75% of the equitable and legal title)
<input type="checkbox"/> Lessee of the Property	Lessee must have an unexpired and recorded lease of five (5) years or more from the date of filing of this application. If not, Owner(s) must provide a Letter of Authorization.
<input type="checkbox"/> Authorized Agent	Attach Letter of Authorization
Transmittal Date: 5-19-2016	

Project Information (attach additional sheets, if necessary)	
County Zoning District:	OPEN
Tax Map Key(s):	(4) 3-2-003: 009
Land Area:	1.82 ACRES
Nature of Development: (Description of proposed structure or subdivision)	ADDING CEDAR FENCE, ADDING DRIVEWAY AND WALKWAYS, AND UPGRADING (2) CESS POOLS TO (2) SEPTICS.

**NO PERMITS WILL BE ISSUED WITHOUT PLANNING COMMISSION ACCEPTANCE,
EXCEPT AS PROVIDED IN §8-27.8(c)(8)**

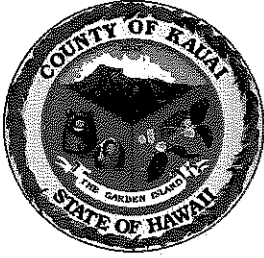
Part A

Shoreline Setback Determination of Applicability (§8-27.1)

Check all that apply, fill in applicable information. Any box checked must be accompanied by additional information, photos and/or documentation.

- ☐ Properties Abutting the Shoreline
☐ Project's approximate distance from shoreline: _____
- ☒ Properties Not Abutting the Shoreline
☒ Project's approximate distance from shoreline: 500' TO 550' SEE ATTACHED MAP
- ☒ Additional Information:
☒ Closest distance of improvement(s) from Shoreline is approximately 500 ft.
☒ Number of parcels and type of improvements (roads, buildings, structures) between Shoreline and this parcel:

1 ROAD (NIUMALU) AND COUNTY PARK PAVILLION.



PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

FOR OFFICIAL USE ONLY:	
SSD 201__ - __	
Acceptance Date:	
Website Posting Date:	
Determination Date:	
Planning Commission Date:	
Expiration Date:	
Planner Assigned:	

- ☒ Topography (undulating, flat, slope, etc.) and ground elevation of subject parcel (Lowest and Highest elevations)

FLAT AND GRASSY...

- ☒ Shoreline type (e.g. beach, dune, rocky, sandy with rocky outcropping, etc.)

VEGETATION AND ROCKY SHORELINE

- ☐ Artificially armored Shoreline
- ☐ If checked, what type of armoring (e.g. seawall, revetment, bulkhead): _____
- ☐ Is the armoring permitted/authorized? _____
- ☐ Date of authorization (attach copy of authorization letter): _____
- ☐ Is property in coastal floodplain (if checked, what zone)? _____
- ☐ Has this property been subject to coastal hazards in the past? (If checked, please describe)

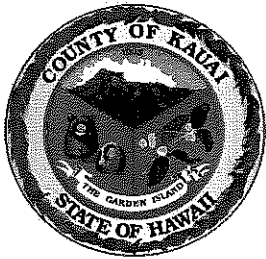
If the proposed structure or subdivision is within the shoreline setback area then, please be aware that if the determination of a structure is approved, the Applicant shall agree in writing that the Applicant, its successors, and permitted assigns shall defend, indemnify, and hold the County of Kaua'i harmless from and against any and all loss, liability, claim or demand arising out of damages to said structures from any coastal natural hazards and coastal erosion, pursuant to §8-27.7(b)(2).

The requirements of the Subsection (b) shall run with the land and shall be set forth in a unilateral agreement recorded by the applicant with the Bureau of Conveyances or the Land Court, whichever is applicable, no later than thirty (30) days after the date of final shoreline approval of the structure under §8-27.8. A copy of the recorded unilateral agreement shall be filed with the Director and the County Engineer no later than forty-five (45) days after the date of the final shoreline determination and approval of the structure and the filing of such with the Director shall be a prerequisite to the issuance of any related building permit. §8-27.7(b)(6).

Applicant's Signature

Signature 5-24-16
Date

Applicability (to be completed by Planning Department)	
<input checked="" type="checkbox"/>	Setback Determination necessary. Requirements of Ordinance No. 979 are applicable.
<u>Planning Director or designee</u>	<u>6-14-16</u> Date



PLANNING DEPARTMENT SHORELINE SETBACK DETERMINATION

If **Part A** has been deemed that a Determination will be necessary, the additional information will be required for submission of this application.

Part B

Exemption Determination

- ☒ A non-refundable processing fee of **one hundred dollars (\$100.00)** shall accompany a request for determination. (§8-27.8(e))

☐ **Exemption 1**

In cases where the proposed structure or subdivision satisfies the following four criteria:

(A) In cases where the proposed structure or subdivision is located outside of the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) 'V' or 'VE' flood zones;

(B) The proposed structure or subdivision is located at an elevation which is thirty (30) feet above sea level or greater;

(C) The applicant can demonstrate to the satisfaction of the Planning Director that the property is clearly adjacent to a rocky shoreline and that it will not affect or be affected by coastal erosion or hazards; and

(D) The shoreline setback shall be sixty (60) feet from the certified shoreline which has been established not more than twelve (12) months from the date of the application for the exception under this section.

☐ **Exemption 2**

In cases where the applicant can demonstrate to the satisfaction of the Planning Director that the applicant's proposed structure or subdivision will not affect beach processes, impact public beach access, or be affected by or contribute to coastal erosion or hazards, excluding natural disasters. Factors to be considered shall include, but not be limited to, proximity to the shoreline, topography, properties between shoreline and applicant's property, elevation, and the history of coastal hazards in the area.

☒ **Exemption 3**

Those structures and uses found exempt in Table 3 (§8-27.7) (see pg. 5-6) **8**

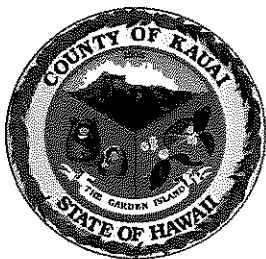
- ☐ Letter from the Department of Public Works stating that the proposed project does not constitute "Substantial Improvement," pursuant to §8-27.2 **N/A**

Exemption Determination (to be completed by Planning Department)

Pursuant to §8-27.3 the Kaua'i County Code, 1987 as amended, the Planning Department hereby certifies the proposed structure(s) or subdivision(s) as exempt from those shoreline setback determination requirements established under §8-27.8.


Planning Director or designee

6-28-16
Date



PLANNING DEPARTMENT SHORELINE SETBACK INFORMATION

Table 3. This table is presented for Exemption 3 (§8-27.7).

Permitted Structures within the shoreline setback area	
(a)	The following structures are permitted in the shoreline setback area. All structures and/or landscaping not specifically permitted in the section are prohibited without a variance.
(1)	Existing conforming and nonconforming structures/activities
(2)	Structure or activity that received a shoreline variance or administrative approval prior to February 26, 2008.
(3)	A structure or activity that is necessary for, or ancillary to, continuation of agriculture or aquaculture existing on the shoreline setback area on June 16, 1989.
(4)	"Temporary structures" as defined in Section 8-27.2. To ensure that there will be no irreversible or long-term adverse effects, the Director shall require as a condition of a permit the restoration of the site to its original condition or better, and the Director may require a bond to ensure such restoration.
(5)	A structure that consists of maintenance, repair, reconstruction, and minor additions or alterations of legal boating, maritime, or water sports recreational facilities, which are publicly owned, and which result in no interference with natural beach processes; provided that permitted structures may be repaired, but shall not be enlarged within the shoreline setback area without a variance.
(6)	Repairs to a lawfully existing structure, including nonconforming structures, provided that: <ul style="list-style-type: none"> (A) The repairs do not enlarge, add to or expand the structure; increase the size or degree of non-conformity; or intensify the use of the structure or its impact on coastal processes; (B) The repairs do not constitute a substantial improvement of the structure; and (C) The repairs are permitted by the Comprehensive Zoning Ordinance, Development Plans, building code, floodplain management regulations, special management area requirements under HRS Chapter 205A and any other applicable rule or law.
(7)	Beach nourishment or dune restoration projects approved by all applicable governmental agencies.
(8)	A structure approved by the Director as a minor structure.
(9)	Qualified demolition of existing structures.
(10)	Unmanned civil defense facilities installed for the primary purposes of: (i) warning the public of emergencies and disasters; or (ii) measuring and/or monitoring geological, meteorological and other events.
(11)	Scientific studies and surveys, including archaeological surveys.
(12)	Structures built by a governmental agency to address an emergency as declared by the Governor of the State of Hawai'i, the Mayor of the County of Kaua'i or any other public official authorized by the law to declare an emergency.
(13)	Structures relating to film productions that have received a County Revocable Film Permit. Structures undertaken for film productions must be removed within thirty (30) days following the completion of the film production.
(14)	Structures required for remedial and removal actions undertaken pursuant to Chapter 128D of the Hawai'i Revised Statutes.



County of Kauai

State of Hawaii

Recent Sales in Neighborhood	Previous Parcel	Next Parcel	Return to Main Search Page	Kauai Home
Recent Sales in Area	Owner and Parcel Information			
Owner Name	SALIBI, S KAMAL REV TRUST	Today's Date	May 23, 2016	
Mailing Address	C/O SALIBI, SLEIMAN K TTEE P O BOX 1722 LIHUE, HI 96766	Parcel Number	320030090000	
Location Address	2461 NIUMALU RD	Project Name		
Tax Classification	RESIDENTIAL	Parcel Map	Show Parcel Map	
Neighborhood Code	3267-1	Land Area (acres)	1.82	
Legal Information	PAR 9 MAP 1 1.82 AC DES	Land Area (approximate sq ft)	79,279	

Assessment Information		Show Historical Assessments			
Year	Tax Classification	Total Market Value	Total Assessed Value	Total Exemption	Total Net Taxable Value
2016	RESIDENTIAL	\$ 726,600	\$ 726,600	\$ 0	\$ 726,600

Improvement Information				
Year Built	Effective Year Built	Living Area	Bedrooms/Full Bath/Half Bath	Sketch
1967	1985	1,248	0/0/3	Sketch Building 1
Year Built	Effective Year Built	Living Area	Bedrooms/Full Bath/Half Bath	Sketch
1993	1993	1,008	3/1/1	Sketch Building 2

Other Building and Yard Improvements			
Description	Quantity	Year Built	Area
WOOD DECK RAILING	1	1993	83

Permit Information			
Date	Permit Number	Reason	Permit Amount
03/11/1994	9310005797	ADDEND	\$ 6,400
12/27/1993	9310005796	DEMOLITION	\$ 4,032
12/17/1992	9210000655	REPAIR	\$ 30,450
04/04/1975	7992	PATIO	\$ 3,000
10/29/1969	00000000	ADDITION	\$ 1,000
07/24/1968	0000000000	OFFICE	\$ 2,450
03/03/1968	2784	APARTMENT BUILDING	\$ 28,000

Sales Information										
Sale Date	Price	Instrument #	Instrument Type	Instrument Description	Date Recorded	Document #	Cert #	Book/Page	Conveyance Tax	Document Type
10/28/2015	\$ 0	15-A-57850670	FEE CONVEYANCE		11/03/2015					
09/18/2015	\$ 699,000	15-A-57450488	FEE CONVEYANCE		09/24/2015				1747.5	

Current Tax Bill Information		2016 Tax Payments		Show Historical Taxes					
Tax Period	Description	Original Due Date	Taxes Assessment	Tax Credits	Net Tax	Penalty	Interest	Other	Amount Due
No Tax Information available on this parcel.									

Recent Sales in Neighborhood	Previous Parcel	Next Parcel	Return to Main Search Page	Kauai Home
Recent Sales in Area				

The Kauai County Tax Assessor's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. Website Updated: May 12, 2016

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EXHIBIT A

FROM; BOLDT MASONRY CONST LLC
GENREL CONT. LIS 29766
636-A KAMALU RD.
KAPAA, HI. 96746
808-634-0150 E-MAIL jamesboldt56@yahoo.com

DATE 11-8-15

TO; KAMAL SALIBI LIHUE LOT
PRICE QUOTE FOR 175 FEET OF FENCE AND TWO GATES

1. 1.2" GALVANIZED POST 6' HIGH 8" ON CENTER SET IN CONCRETE
8" HOLES 2' DEEP
2. 2X4 RAILS SCREWED TO EACH POST 1' OF GROUND AND 1' FROM TOP
3. 1X6 CEADER FENCE BOARDS WITH DOG EAR AT TOP. SET AT
6' 6" HIGH
4. TWO GATES SIDE ROLLING TYPE 16 FEET LONG. WITH WHEELS AT BOTTOM
NO OPENER, NOT INCLUDED. 1'X1' BLOCK POST AT EACH END OF GATE
WITH CEADER WOOD OVER BLOCK.

TOTAL PRICE FOR ABOVE \$8450.00 DOLLARS TO BE PAID AS FOLLOWED
ALL WORK TO BE COMPLETED IN ONE WEEK

1. FIRST DRAW \$6000 AT START OF WORK
2. SECOND DRAW \$2450 AT COMPLETION OF WORK

OWNER AGREES TO ABOVE TERMS _____

CONTRACTOR AGREES TO ABOVE TERMS _____

THANK YOU james boldt RME.

EXHIBIT B

FROM; BOLDT MASONRY CONST LLC
GENREL CONT. LIS 29766
636-A KAMALU RD.
KAPAA, HI. 96746
808-634-0150 E-MAIL jamesboldt56@yahoo.com

DATE 7-27-15

TO; KAMAL SALIBI
LIHUE HI.96766
TMK 4-3-2-3-9 1.82 AC.

INSTALL 2 EA ABOVE GROUND SEPTIC SYSTEMS WITH ENGINEER FEE OF \$1000 ALLOWNCE FOR EACH	\$34,000
---	----------

REMOVE DRIVE WAY CONCRETE AS NEEDED FOR SEPTIC AND
USE TO FILL OLD CESSPOOL INCLUDED ON CHARAGE

PLAND GRASS AND TEA LEFF ON TOP OF SEPTIC	\$850
---	-------

GRADE AND INSTALL 1400 S.F. OF DRIVEWAY AND TURN AROUND TO BACK HOUSE	\$11,200
--	----------

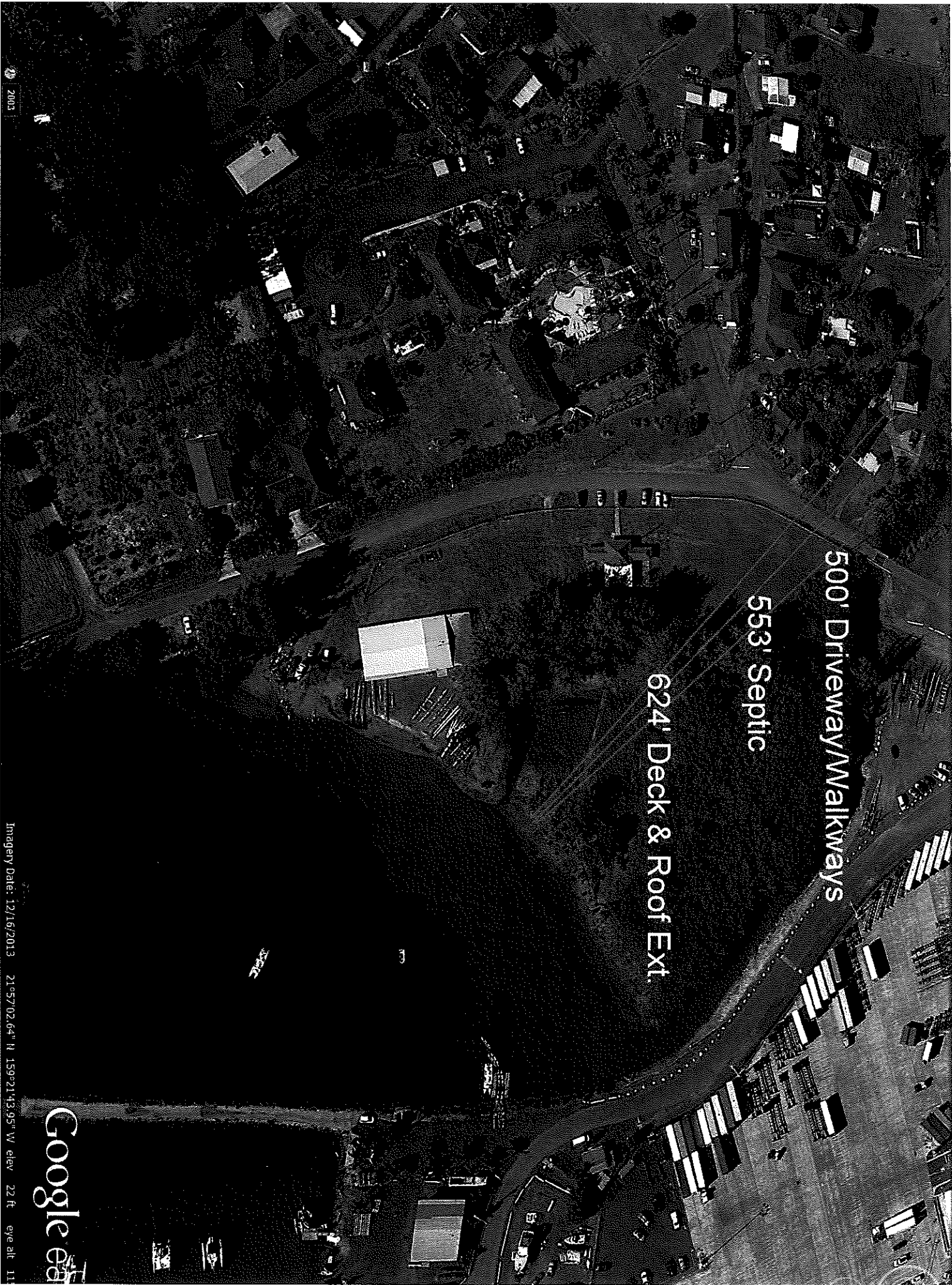
SUB TOTAL	\$46,050
-----------	----------

GE TAX	\$1840
--------	--------

TOTAL REPAIR BID PRICE	\$47,890
GENERIAL LIABILITY INSURANCE INCUED	

THANK YOU james boldt RME.

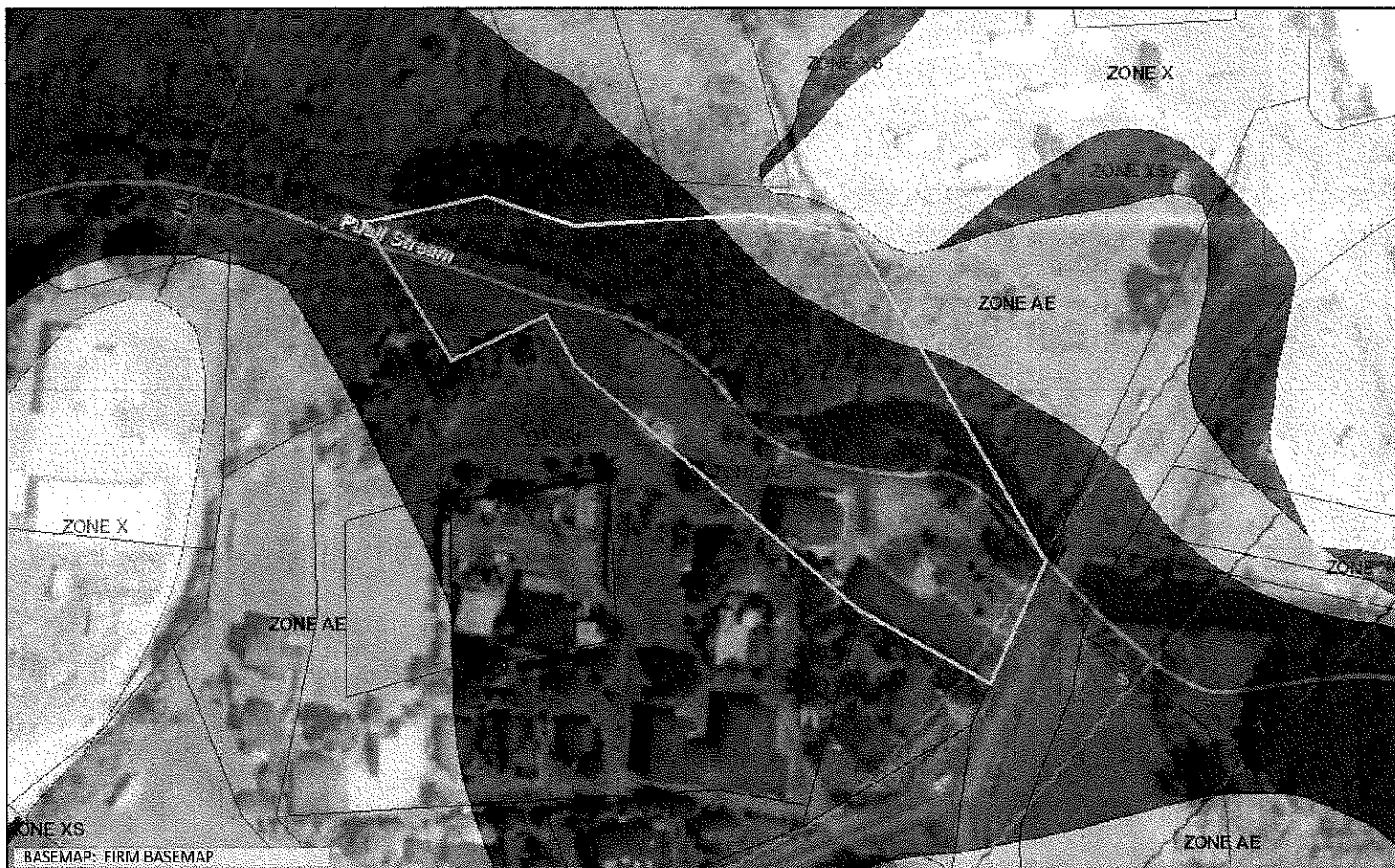
EXHIBIT B



500' Driveway/Walkways

553' Septic

624' Deck & Roof Ext.



Flood Hazard Assessment Report

www.hawaiiinfp.org

Property Information

COUNTY: KAUAI
 TMK NO: (4) 3-2-003:009
 WATERSHED: PUALI
 PARCEL ADDRESS: 2461 NIUMALU RD
 LIHUE, HI 96766

Notes:

Flood Hazard Information

FIRM INDEX DATE: NOVEMBER 26, 2010
 LETTER OF MAP CHANGE(S): NONE
 FEMA FIRM PANEL: 1500020328F
 PANEL EFFECTIVE DATE: NOVEMBER 26, 2010

THIS PROPERTY IS WITHIN A TSUNAMI EVACUATION ZONE: YES
 FOR MORE INFO, VISIT: <http://www.scd.hawaii.gov/>

THIS PROPERTY IS WITHIN A DAM EVACUATION ZONE: YES (KA-0121)
 FOR MORE INFO, VISIT: <http://dlnreng.hawaii.gov/dam/>



Disclaimer: The Hawaii Department of Land and Natural Resources (DLNR) assumes no responsibility arising from the use, accuracy, completeness, and timeliness of any information contained in this report. Viewers/Users are responsible for verifying the accuracy of the information and agree to indemnify the DLNR, its officers, and employees from any liability which may arise from its use of its data or information.

If this map has been identified as 'PRELIMINARY', please note that it is being provided for informational purposes and is not to be used for flood insurance rating. Contact your county floodplain manager for flood zone determinations to be used for compliance with local floodplain management regulations.

FLOOD HAZARD ASSESSMENT TOOL LAYER LEGEND

(Note: legend does not correspond with NFHL)

SPECIAL FLOOD HAZARD AREAS (SFHAs) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD - The 1% annual chance flood (100-year), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. SFHAs include Zone A, AE, AH, AO, V, and VE. The Base Flood Elevation (BFE) is the water surface elevation of the 1% annual chance flood. Mandatory flood insurance purchase applies in these zones:

	Zone A: No BFE determined.
	Zone AE: BFE determined.
	Zone AH: Flood depths of 1 to 3 feet (usually areas of ponding); BFE determined.
	Zone AO: Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined.
	Zone V: Coastal flood zone with velocity hazard (wave action); no BFE determined.
	Zone VE: Coastal flood zone with velocity hazard (wave action); BFE determined.
	Zone AEF: Floodway areas in Zone AE. The floodway is the channel of stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without increasing the BFE.

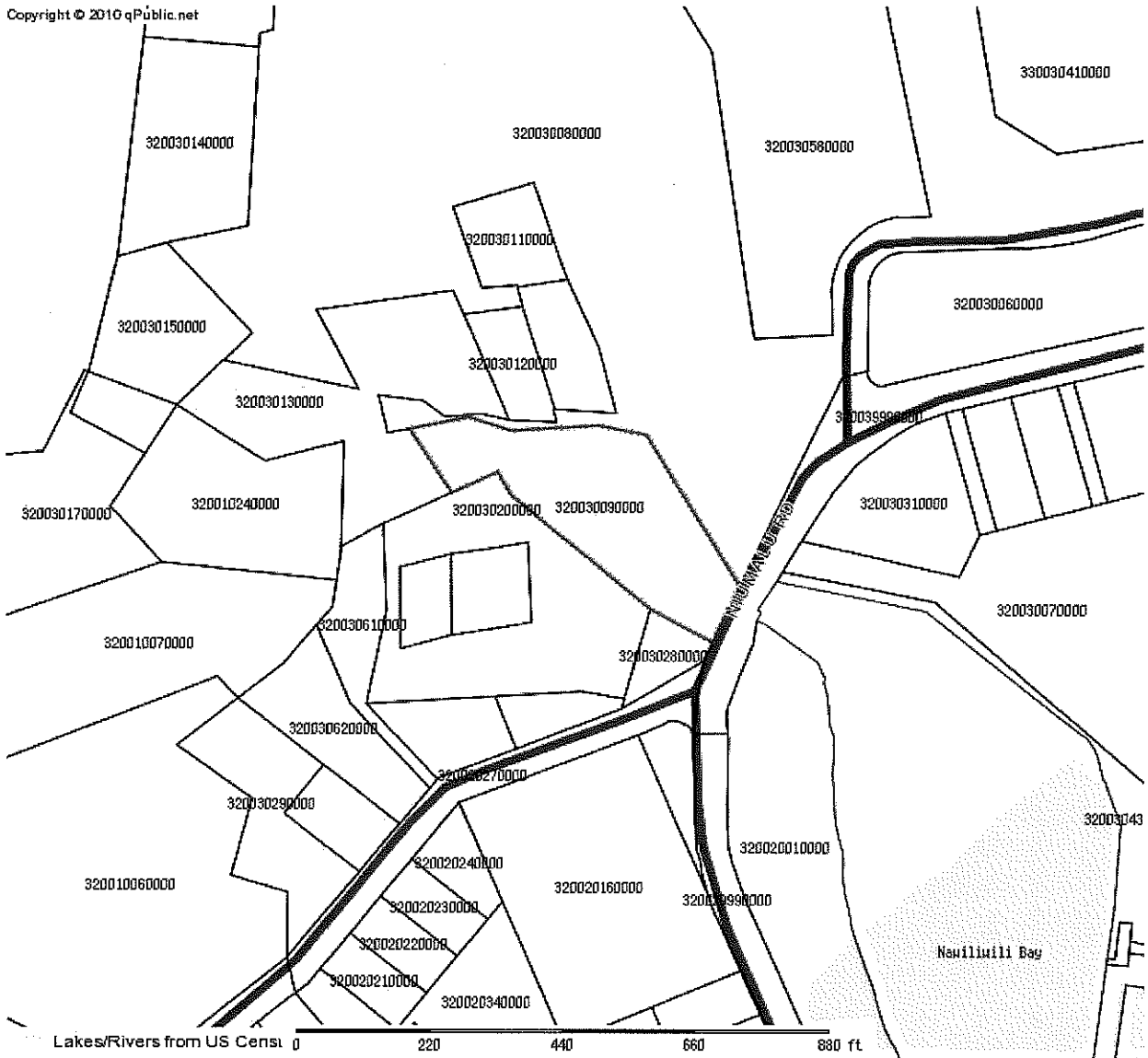
NON-SPECIAL FLOOD HAZARD AREA - An area in a low-to-moderate risk flood zone. No mandatory flood insurance purchase requirements apply, but coverage is available in participating communities.

	Zone XS (X shaded): Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.
	Zone X: Areas determined to be outside the 0.2% annual chance floodplain.

OTHER FLOOD AREAS

	Zone D: Unstudied areas where flood hazards are undetermined, but flooding is possible. No mandatory flood insurance purchase apply, but coverage is available in participating communities.
--	---

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Kauai County Assessor

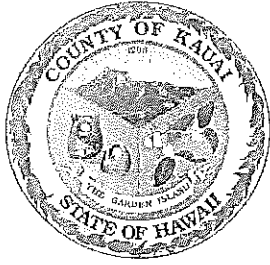
Parcel: 320030090000 Acres: 1.82

Name:	SALIBI, S KAMAL REV TRUST	Land Value	
Site:	2461 NIUMALU RD	Building Value	
Sale:	\$699,000 on 2015-09-18 Reason= Qual=	Misc Value	
Mail:	C/O SALIBI, SLEIMAN K TTEE	Just Value	
	P O BOX 1722	Assessed Value	0
	LIHUE, HI 96766	Exempt Value	0
		Taxable Value	0



The Kauai County Assessor's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is subject to change before the next certified taxroll. PLEASE NOTE THAT THE PROPERTY APPRAISER MAPS ARE FOR ASSESSMENT PURPOSES ONLY NEITHER KAUAI COUNTY NOR ITS EMPLOYEES ASSUME RESPONSIBILITY FOR ERRORS OR OMISSIONS ---THIS IS NOT A SURVEY---

Date printed: 05/13/16 : 21:49:34



PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

FOR OFFICIAL USE ONLY:

SSD 2016 - 73

Acceptance Date:	6-14-16
Website Posting Date:	6-14-16
Determination Date:	6-14-16
Planning Commission Date:	6-28-16
Expiration Date:	6-28-17
Planner Assigned:	JL

Instructions: File all information requested under Part A for processing the Determination of Applicability (§8-27.1), including signature page. Fill out Parts A and B if you know, due to proximity of the shoreline, that your parcel will require a Certified Shoreline Survey. If you are proposing a permitted structure or subdivision within the shoreline setback area fill in Part C. For applications involving a variance, complete Part D.

Applicant Information

Applicant:	Kawi Keolani LLC		
Mailing Address:	PO Box 81 Hanalei HI 96714	Phone:	639-0444
		Email:	keola@hanaleiland.com
Applicant's Status: (Check one)			
<input type="checkbox"/> Owner of the Property	(Holder of at least 75% of the equitable and legal title)		
<input type="checkbox"/> Lessee of the Property	Lessee must have an unexpired and recorded lease of five (5) years or more from the date of filing of this application. If not, Owner(s) must provide a Letter of Authorization.		
<input checked="" type="checkbox"/> Authorized Agent	Attach Letter of Authorization		
Transmittal Date:	June 1, 2016		

Project Information (attach additional sheets, if necessary)

County Zoning District:	Open	Tax Map Key(s):	5-5-01-021 + 20
		Land Area:	22,620 sq ft + 22,471 sq ft
Nature of Development: (Description of proposed structure or subdivision)	Removal of existing hog wire fence / hibiscus hedge on Trak 5-5-01-21. Construct new 4ft high fence of Hog wire along boundary of Trak 5-5-01-21 + 20, with Ironwood hedge along fences.		

NO PERMITS WILL BE ISSUED WITHOUT PLANNING COMMISSION ACCEPTANCE, EXCEPT AS PROVIDED IN §8-27.8(c)(8)

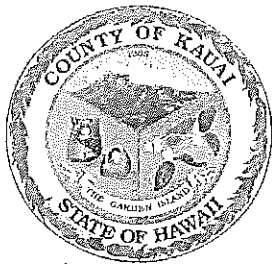
Part A

Shoreline Setback Determination of Applicability (§8-27.1)

Check all that apply, fill in applicable information. Any box checked must be accompanied by additional information, photos and/or documentation.

- ☒ Properties Abutting the Shoreline
☒ Project's approximate distance from shoreline: 40 ft
- ☐ Properties Not Abutting the Shoreline
☐ Project's approximate distance from shoreline: _____
- ☐ Additional Information:
☐ Closest distance of improvement(s) from Shoreline is approximately _____ ft.
☐ Number of parcels and type of improvements (roads, buildings, structures) between Shoreline and this parcel:

--



PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

FOR OFFICIAL USE ONLY:	
SSD 201__ - __	
Acceptance Date:	
Website Posting Date:	
Determination Date:	
Planning Commission Date:	
Expiration Date:	
Planner Assigned:	

- ☒ Topography (undulating, flat, slope, etc.) and ground elevation of subject parcel (Lowest and Highest elevations)

Grassy, flat, approximately 6' to 9' elevation

- ☒ Shoreline type (e.g. beach, dune, rocky, sandy with rocky outcropping, etc.)

Sandy, Naupaka, Ironwood berm

- ☐ Artificially armored Shoreline
- ☐ If checked, what type of armoring (e.g. seawall, revetment, bulkhead): _____
- ☐ Is the armoring permitted/authorized? _____
- ☐ Date of authorization (attach copy of authorization letter): _____
- ☐ Is property in coastal floodplain (if checked, what zone)? _____
- ☐ Has this property been subject to coastal hazards in the past? (If checked, please describe)

If the proposed structure or subdivision is within the shoreline setback area then, please be aware that if the determination of a structure is approved, the Applicant shall agree in writing that the Applicant, its successors, and permitted assigns shall defend, indemnify, and hold the County of Kaua'i harmless from and against any and all loss, liability, claim or demand arising out of damages to said structures from any coastal natural hazards and coastal erosion, pursuant to §8-27.7(b)(2).

The requirements of the Subsection (b) shall run with the land and shall be set forth in a unilateral agreement recorded by the applicant with the Bureau of Conveyances or the Land Court, whichever is applicable, no later than thirty (30) days after the date of final shoreline approval of the structure under §8-27.8. A copy of the recorded unilateral agreement shall be filed with the Director and the County Engineer no later than forty-five (45) days after the date of the final shoreline determination and approval of the structure and the filing of such with the Director shall be a prerequisite to the issuance of any related building permit. §8-27.7(b)(6).

Applicant's Signature

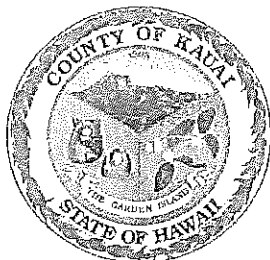
[Signature] Agent June 1, 2016
Signature Date

Applicability (to be completed by Planning Department)

- ☒ Setback Determination necessary. Requirements of Ordinance No. 979 are applicable.

[Signature]
Planning Director or designee

6-14-16
Date



PLANNING DEPARTMENT SHORELINE SETBACK DETERMINATION

If **Part A** has been deemed that a Determination will be necessary, the additional information will be required for submission of this application.

Part B

Exemption Determination

☐ A non-refundable processing fee of **one hundred dollars (\$100.00)** shall accompany a request for determination. (§8-27.8(e))

☐ **Exemption 1**

In cases where the proposed structure or subdivision satisfies the following four criteria:

(A) In cases where the proposed structure or subdivision is located outside of the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) 'V' or 'VE' flood zones;

(B) The proposed structure or subdivision is located at an elevation which is thirty (30) feet above sea level or greater;

(C) The applicant can demonstrate to the satisfaction of the Planning Director that the property is clearly adjacent to a rocky shoreline and that it will not affect or be affected by coastal erosion or hazards; and

(D) The shoreline setback shall be sixty (60) feet from the certified shoreline which has been established not more than twelve (12) months from the date of the application for the exception under this section.

☒ **Exemption 2**

In cases where the applicant can demonstrate to the satisfaction of the Planning Director that the applicant's proposed structure or subdivision will not affect beach processes, impact public beach access, or be affected by or contribute to coastal erosion or hazards, excluding natural disasters. Factors to be considered shall include, but not be limited to, proximity to the shoreline, topography, properties between shoreline and applicant's property, elevation, and the history of coastal hazards in the area.

☒ **Exemption 3**

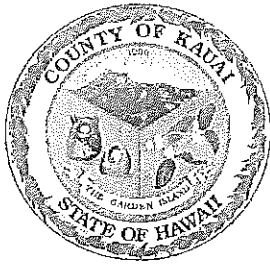
Those structures and uses found exempt in Table 3 (§8-27.7) (see pg. 5-6)

☐ Letter from the Department of Public Works stating that the proposed project does not constitute "Substantial Improvement," pursuant to §8-27.2

Exemption Determination (to be completed by Planning Department)

Pursuant to §8-27.3 the Kaua'i County Code, 1987 as amended, the Planning Department hereby certifies the proposed structure(s) or subdivision(s) as exempt from those shoreline setback determination requirements established under §8-27.8.

N/A Shoreline Certification submitted
Planning Director or designee Date



PLANNING DEPARTMENT SHORELINE SETBACK DETERMINATION

Part C

Shoreline Setback Determination (§8-27.8)

(This document is the request for a shoreline setback structure or subdivision determination form.)

Please complete this section if you are proposing a structure or subdivision within the Shoreline Setback Area that requires a certified shoreline, a determination of applicability (Part A & B) from the Planning Director shall first be obtained.

Certified Shoreline	
<input checked="" type="checkbox"/>	Certified Shoreline
<input type="checkbox"/>	Survey Map (showing Certified Shoreline, Shoreline Setback, and Structure(s) OR Subdivision)
<input type="checkbox"/>	Average Lot Depth: <u>240'</u>
<input type="checkbox"/>	Setback (Table 1 or Table 2): _____
<input type="checkbox"/>	Affidavit: Statement of inability to certify shoreline, pursuant to §8-27.3(d)
_____ Planning Director or its designee Date	

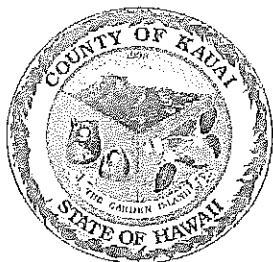
Public Projects less than \$125,000	
<input type="checkbox"/>	Public Projects less than \$125,000 Declaration ((§8-27.8(c)(2))
_____ Planning Director or designee Date	
<input type="checkbox"/>	Certified Shoreline Required
<input type="checkbox"/>	Certified Shoreline Not Required

Describe proposed structure(s), including but not limited to landscaping plan:

Construction of new 4ft high hog wire fence and Ironwood hedge along property boundary of Tmk 5-5-01-21+20.

Written text addressing the above proposed structure addressing the compliance with §8-27.8(c)(2):

--



PLANNING DEPARTMENT SHORELINE SETBACK VARIANCE

Part D

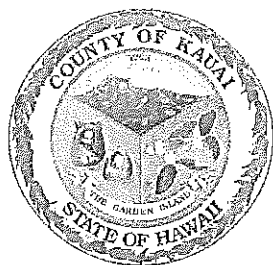
Shoreline Setback Variance (§8-27.9)

This part is the request for a shoreline setback variance. In addition to the documentation and information requested in Parts A, B, and C, the Applicant applying for a variance is required to submit all required information, per §8-27.9 listed in the checklist below.

- ☐ A non-refundable administrative fee of three hundred dollars (\$300.00).
- ☐ Certification from the owner or lessee of the lot which authorizes the application for variance;
- ☐ An environmental assessment and or EIS, if required, prepared in accordance with HRS Chapter 343, and the environmental impact statement rules and applicable guidelines of the State of Hawai'i;
- ☐ The names, addresses, and the tax map key identification of owners of real property situated adjacent to and abutting the boundaries of the land on which the proposed structure or subdivision and/or landscaping is to be located; or operation is to occur (attach information);
- ☐ A site plan of the shoreline setback area, drawn to scale, showing:
 - ☐ Existing natural and man-made features and conditions within;
 - ☐ Existing natural and man-made features and conditions along properties immediately adjacent to the shoreline setback area and proposed improvements;
 - ☐ The certified shoreline and the shoreline setback line (submitted under **Part B**);
 - ☐ Contours at a minimum interval of two (2) feet unless waived by the Director; and
 - ☐ Proposed development and improvements showing new conditions with a typical section (if a structure).
- ☐ A copy of the certified shoreline survey map of the property (submitted under **Part B**);
- ☐ Detailed justification of the proposed project, which addresses the purpose and intent of these rules and the criteria for approval of a variance (attach written statement);
- ☐ Analysis and report of coastal erosion rates and coastal processes; and
- ☐ Any other information required by the Director (please list).

Any structure approved within the shoreline setback area by variance shall not be eligible for protection by shoreline hardening during the life of the structure, and this limitation and the fact that the structure does not meet setback requirements under §8-27.3 and could be subject to coastal erosion and high wave action shall be written into a unilateral agreement that is recorded by the Bureau of Conveyances of Land Court, as the case may be. A copy of the unilateral agreement shall be submitted to the Planning Department prior to the issuance of the required zoning and/or shoreline setback variance. Failure of the grantor to record these deed restrictions shall constitute a violation and the grantor shall be subject to the penalties set forth in this Article 3.

For any structure approved within the shoreline setback area by variance, the Applicant shall agree in writing that the Applicant, its successors and permitted assigns shall defend, indemnify and hold the County of Kaua'i harmless from and against any and all loss, liability claim, or demand arising out of damages to said structure and this indemnification shall be included in the unilateral agreement required above.



PLANNING DEPARTMENT SHORELINE SETBACK INFORMATION

Table 1. (This table is included for illustrative purposes only.)

Lots Included in the Kaua'i Coastal Erosion Study. The distance in feet of the shoreline setback line as measured from the certified shoreline based on the average lot depth in feet.

LOTS INCLUDED IN KAUA'I COASTAL EROSION STUDY

Average Lot Depth	Setback Line
Less than 140 feet (<140 feet)	40 feet plus (70 X annual coastal erosion rate) plus 20 feet
140 feet to 220 feet (140-220 feet)	<p style="text-align: center;"><u>Greater of:</u></p> <p>40 feet plus (70 X annual coastal erosion rate) plus 20 feet</p> <p style="text-align: center;"><u>-or-</u></p> <p>(Average Lot Depth minus 100 feet) ÷ by 2 plus 40</p>
Greater than 220 feet (>220 feet)	<p style="text-align: center;"><u>Greater of:</u></p> <p>40 feet plus (70 X annual coastal erosion rate) plus 20 feet</p> <p style="text-align: center;"><u>-or-</u></p> <p>100 feet from the certified shoreline</p>

View erosion rate maps from the County website at
<http://www.soest.hawaii.edu/coasts/kauaicounty/KCounty.html>

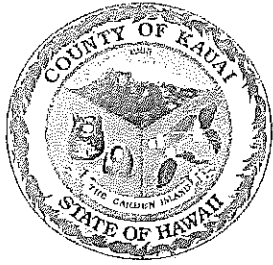
Table 2. (This table is included for illustrative purposes only.)

Lots Not Included in the Kaua'i Coastal Erosion Study.

LOTS NOT INCLUDED IN KAUA'I COASTAL EROSION STUDY

Setback Calculation	
(Average Lot Depth – 100/2+40) Subject to the Following:	
1	For lots with naturally <i>occurring rocky shorelines</i> , the shoreline setback line shall be <u>no less than 40 feet</u> .
2	For all other lots, the shoreline setback line shall be <u>no less than 60 feet</u> .
3	For all lots, the <u>maximum</u> setback that can be required <u>shall be 100 feet</u> .

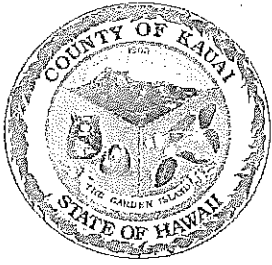
Non-Abutting Lots. If an Applicant is unable to secure permission from the abutting landowner to complete a certified shoreline for a non-abutting lot within approximately five hundred fifty (550) feet of the shoreline, the Planning Director may, pursuant to §8-4.3, impose conditions to zoning permits to increase setbacks where evidence exists that a proposed structure may be affected by coastal hazards or erosion.



PLANNING DEPARTMENT SHORELINE SETBACK INFORMATION

Table 3. This table is presented for Exemption 3 (§8-27.7).

Permitted Structures within the shoreline setback area	
(a)	The following structures are permitted in the shoreline setback area. All structures and/or landscaping not specifically permitted in the section are prohibited without a variance.
(1)	Existing conforming and nonconforming structures/activities
(2)	Structure or activity that received a shoreline variance or administrative approval prior to February 26, 2008.
(3)	A structure or activity that is necessary for, or ancillary to, continuation of agriculture or aquaculture existing on the shoreline setback area on June 16, 1989.
(4)	"Temporary structures" as defined in Section 8-27.2. To ensure that there will be no irreversible or long-term adverse effects, the Director shall require as a condition of a permit the restoration of the site to its original condition or better, and the Director may require a bond to ensure such restoration.
(5)	A structure that consists of maintenance, repair, reconstruction, and minor additions or alterations of legal boating, maritime, or water sports recreational facilities, which are publicly owned, and which result in no interference with natural beach processes; provided that permitted structures may be repaired, but shall not be enlarged within the shoreline setback area without a variance.
(6)	Repairs to a lawfully existing structure, including nonconforming structures, provided that: <ul style="list-style-type: none"> (A) The repairs do not enlarge, add to or expand the structure; increase the size or degree of non-conformity; or intensify the use of the structure or its impact on coastal processes; (B) The repairs do not constitute a substantial improvement of the structure; and (C) The repairs are permitted by the Comprehensive Zoning Ordinance, Development Plans, building code, floodplain management regulations, special management area requirements under HRS Chapter 205A and any other applicable rule or law.
(7)	Beach nourishment or dune restoration projects approved by all applicable governmental agencies.
(8)	A structure approved by the Director as a minor structure.
(9)	Qualified demolition of existing structures.
(10)	Unmanned civil defense facilities installed for the primary purposes of: (i) warning the public of emergencies and disasters; or (ii) measuring and/or monitoring geological, meteorological and other events.
(11)	Scientific studies and surveys, including archaeological surveys.
(12)	Structures built by a governmental agency to address an emergency as declared by the Governor of the State of Hawai'i, the Mayor of the County of Kaua'i or any other public official authorized by the law to declare an emergency.
(13)	Structures relating to film productions that have received a County Revocable Film Permit. Structures undertaken for film productions must be removed within thirty (30) days following the completion of the film production.
(14)	Structures required for remedial and removal actions undertaken pursuant to Chapter 128D of the Hawai'i Revised Statutes.



PLANNING DEPARTMENT SHORELINE SETBACK INFORMATION

(b)	The following conditions shall apply to any new structure permitted in the shoreline setback area:
(1)	All new structures shall be constructed in accordance with the standards for development in Chapter 15, Article 1, Flood Plain Management, Kaua'i County Code 1987, as amended, relating to coastal high hazard districts and FEMA guidelines regarding construction in areas mapped on Flood Insurance Rate Maps as flood hazard areas.
(2)	The applicant shall agree in writing that the applicant, its successors, and permitted assigns shall defend, indemnify, and hold the County of Kaua'i harmless from and against any and all loss, liability, claim or demand arising out of damages to said structures from any coastal natural hazard and coastal erosion.
(3)	The applicant shall agree in writing for itself, its successors and assigns that the construction of any erosion-control or shoreline hardening structure and/or landscaping shall not be allowed to protect the permitted structure during its life, with the exception of approved beach or dune nourishment fill activities, and landscape planting and irrigation located more than forty feet (40') from the shoreline.
(4)	<p>Unless otherwise provided, all new structures and/or landscaping shall not:</p> <ul style="list-style-type: none"> (A) adversely affect beach processes, (B) artificially fix the shoreline, (C) interfere with public access or public views to and along the shoreline, (D) impede the natural processes and/or movement of the shoreline and/or sand dunes, or (E) alter the grade of the shoreline setback area.
(5)	All new structures shall be consistent with the purposes of this article and HRS Chapter 205A, as amended, and shall be designed and located to minimize the alteration of natural landforms and existing public views to and along to the shoreline.
(6)	The requirements of this Subsection (b) shall run with the land and shall be set forth in a unilateral agreement recorded by the applicant with the Bureau of Conveyances or the Land Court, whichever is applicable; no later than thirty (30) days after the date of final shoreline approval of the structure under Section 8-27.8. A copy of the recorded unilateral agreement shall be filed with the Director and the County Engineer no later than forty-five (45) days after the date of the final shoreline determination and approval of the structure and the filing of such with the Director shall be a prerequisite to the issuance of any related building permit.



shore line cert.
map on file



LETTER OF AUTHORIZATION

May 30, 2016

Ms. Jody Galinato
Planning Department
4444 Rice Street,
Lihue, Hawaii 96766

Re: SMA and Shoreline Setback Permits
5000 and 5010 Weke Road
Hanalei, HI 96714

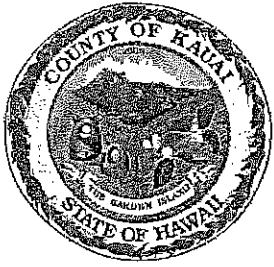
Dear Ms. Galinato,

Please let this letter serve as my Authorization, Keola Sheehan of Hanalei Land Company LLC, as my Property Manager and Agent, to submit and process SMA and Shoreline Setback Permits for new 4 ft hogwire fence and Ironwood hedge construction at 5000 and 5010 Weke Road Hanalei Hawaii 96714. TMK #'s are 5-5-01-20 and 21.

Sincerely,


Patricia Wilcox Sheehan, Manager
Kauikeolani LLC

manager



PLANNING DEPARTMENT
SHORELINE SETBACK APPLICATION

FOR OFFICIAL USE ONLY:	
SSD	201 <u>62</u> - <u>74</u>
Acceptance Date:	<u>6-14-16</u>
Website Posting Date:	<u>6-24-16</u>
Determination Date:	<u>6-14-16</u>
Planning Commission Date:	<u>11-28-16</u>
Expiration Date:	<u>6-28-17</u>
Planner Assigned:	<u>SLC</u>

Instructions: File all information requested under Part A for processing the Determination of Applicability (§8-27.1), including signature page. Fill out Parts A and B if you know, due to proximity of the shoreline, that your parcel will require a Certified Shoreline Survey. If you are proposing a permitted structure or subdivision within the shoreline setback area fill in Part C. For applications involving a variance, complete Part D.

Applicant Information	
Applicant:	<u>Charles T. Lunson % Charles T. Lunson & Assoc Inc</u>
Mailing Address:	<u>98-1277 Kaahumanu St PMB 546</u> Phone: <u>808 484-9015</u> <u>Aiea, HI 96701</u> Email: <u>info@charleslunson.com</u>
Applicant's Status: (Check one)	
<input type="checkbox"/> Owner of the Property	(Holder of at least 75% of the equitable and legal title)
<input type="checkbox"/> Lessee of the Property	Lessee must have an unexpired and recorded lease of five (5) years or more from the date of filing of this application. If not, Owner(s) must provide a Letter of Authorization.
<input checked="" type="checkbox"/> Authorized Agent	Attach Letter of Authorization
Transmittal Date: <u>6/3/16</u>	

Project Information (attach additional sheets, if necessary)	
County Zoning District:	<u>Waimea</u> Tax Map Key(s): <u>1-6-007-036</u>
	Land Area: <u>26,745 SF</u>
Nature of Development: (Description of proposed structure or subdivision)	<u>Repair by replacement air conditioning equipment at the existing Waimea Public Library.</u>

NO PERMITS WILL BE ISSUED WITHOUT PLANNING COMMISSION ACCEPTANCE,
EXCEPT AS PROVIDED IN §8-27.8(c)(8)

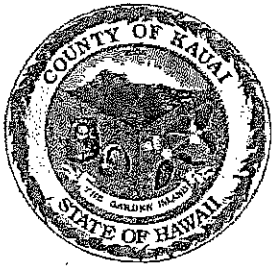
Part A

Shoreline Setback Determination of Applicability (§8-27.1)

Check all that apply, fill in applicable information. Any box checked must be accompanied by additional information, photos and/or documentation.

- ☐ Properties Abutting the Shoreline
☐ Project's approximate distance from shoreline: _____
- ☒ Properties Not Abutting the Shoreline
☐ Project's approximate distance from shoreline: 450'
- ☐ Additional Information:
☐ Closest distance of improvement(s) from Shoreline is approximately _____ ft.
☐ Number of parcels and type of improvements (roads, buildings, structures) between Shoreline and this parcel:

The existing structure & site improvements remain, unchanged.
The new a/c equipment will be installed inside the existing ground level enclosure.



PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

FOR OFFICIAL USE ONLY:	
SSD 201 - -	
Acceptance Date:	
Website Posting Date:	
Determination Date:	
Planning Commission Date:	
Expiration Date:	
Planner Assigned:	

- ☒ Topography (undulating, flat, slope, etc.) and ground elevation of subject parcel (Lowest and Highest elevations)

Flat, 10.0' Low Point, 16.0' High Point, 15.0' Floor Elevation

- ☐ Shoreline type (e.g. beach, dune, rocky, sandy with rocky outcropping, etc.)

- ☐ Artificially armored Shoreline

☐ If checked, what type of armoring (e.g. seawall, revetment, bulkhead): _____

☐ Is the armoring permitted/authorized? _____

☐ Date of authorization (attach copy of authorization letter): _____


- ☒ Is property in coastal floodplain (if checked, what zone)? 0.2 percent annual chance

- ☐ Has this property been subject to coastal hazards in the past? (If checked, please describe)

If the proposed structure or subdivision is within the shoreline setback area then, please be aware that if the determination of a structure is approved, the Applicant shall agree in writing that the Applicant, its successors, and permitted assigns shall defend, indemnify, and hold the County of Kauai harmless from and against any and all loss, liability, claim or demand arising out of damages to said structures from any coastal natural hazards and coastal erosion, pursuant to §8-27.7(b)(2).

The requirements of the Subsection (b) shall run with the land and shall be set forth in a unilateral agreement recorded by the applicant with the Bureau of Conveyances or the Land Court, whichever is applicable, no later than thirty (30) days after the date of final shoreline approval of the structure under §8-27.8. A copy of the recorded unilateral agreement shall be filed with the Director and the County Engineer no later than forty-five (45) days after the date of the final shoreline determination and approval of the structure and the filing of such with the Director shall be a prerequisite to the issuance of any related building permit. §8-27.7(b)(6).

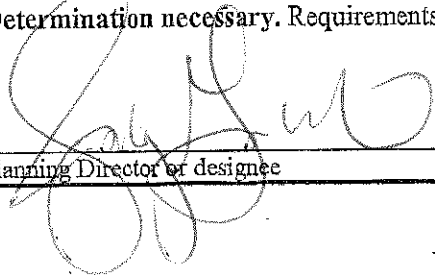
Applicant's Signature


Signature

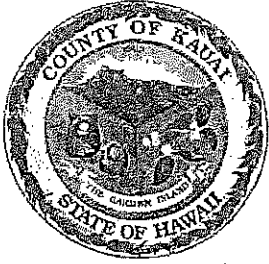
6/3/16
Date

Applicability (to be completed by Planning Department)

- ☒ Setback Determination necessary. Requirements of Ordinance No. 979 are applicable.


Planning Director or designee

6-14-16
Date



PLANNING DEPARTMENT SHORELINE SETBACK DETERMINATION

If Part A has been deemed that a Determination will be necessary, the additional information will be required for submission of this application.

Part B

Exemption Determination

- ☐ A non-refundable processing fee of one hundred dollars (\$100.00) shall accompany a request for determination. (§8-27.8(e))

☐ **Exemption 1**

In cases where the proposed structure or subdivision satisfies the following four criteria:

- (A) In cases where the proposed structure or subdivision is located outside of the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) 'V' or 'VE' flood zones;
- (B) The proposed structure or subdivision is located at an elevation which is thirty (30) feet above sea level or greater;
- (C) The applicant can demonstrate to the satisfaction of the Planning Director that the property is clearly adjacent to a rocky shoreline and that it will not affect or be affected by coastal erosion or hazards; and
- (D) The shoreline setback shall be sixty (60) feet from the certified shoreline which has been established not more than twelve (12) months from the date of the application for the exception under this section.

☒ **Exemption 2**

In cases where the applicant can demonstrate to the satisfaction of the Planning Director that the applicant's proposed structure or subdivision will not affect beach processes, impact public beach access, or be affected by or contribute to coastal erosion or hazards, excluding natural disasters. Factors to be considered shall include, but not be limited to, proximity to the shoreline, topography, properties between shoreline and applicant's property, elevation, and the history of coastal hazards in the area.

☐ **Exemption 3**

Those structures and uses found exempt in Table 3 (§8-27.7) (see pg. 5-6)

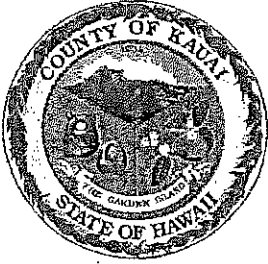
- ☐ Letter from the Department of Public Works stating that the proposed project does not constitute "Substantial Improvement," pursuant to §8-27.2

Exemption Determination (to be completed by Planning Department)

Pursuant to §8-27.3 the Kaua'i County Code, 1987 as amended, the Planning Department hereby certifies the proposed structure(s) or subdivision(s) as exempt from those shoreline setback determination requirements established under §8-27.8.


Planning Director or designee


Date



PLANNING DEPARTMENT SHORELINE SETBACK DETERMINATION

Part C

Shoreline Setback Determination (§8-27.8)

(This document is the request for a shoreline setback structure or subdivision determination form.)

Please complete this section if you are proposing a structure or subdivision within the Shoreline Setback Area that requires a certified shoreline, a determination of applicability (Part A & B) from the Planning Director shall first be obtained.

Certified Shoreline

- ☐ Certified Shoreline
- ☐ Survey Map (showing Certified Shoreline, Shoreline Setback, and Structure(s) OR Subdivision)
- ☐ Average Lot Depth: _____
- ☐ Setback (Table 1 or Table 2): _____
- ☐ Affidavit: Statement of inability to certify shoreline, pursuant to §8-27.3(d)

Planning Director or its designee

Date

Public Projects less than \$125,000

- ☐ Public Projects less than \$125,000 Declaration ((§8-27.8(c)(2)))

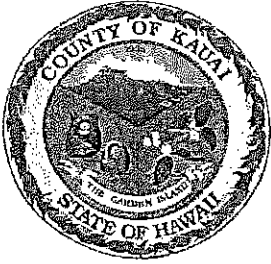
Planning Director or designee

Date

- ☐ Certified Shoreline Required
- ☐ Certified Shoreline Not Required

Describe proposed structure(s), including but not limited to landscaping plan:

Written text addressing the above proposed structure addressing the compliance with §8-27.8(c)(2):



PLANNING DEPARTMENT SHORELINE SETBACK VARIANCE

Part D

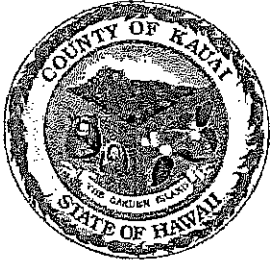
Shoreline Setback Variance (§8-27.9)

This part is the request for a shoreline setback variance. In addition to the documentation and information requested in Parts A, B, and C, the Applicant applying for a variance is required to submit all required information, per §8-27.9 listed in the checklist below.

- ☐ A non-refundable administrative fee of three hundred dollars (\$300.00).
- ☐ Certification from the owner or lessee of the lot which authorizes the application for variance;
- ☐ An environmental assessment and or EIS, if required, prepared in accordance with HRS Chapter 343, and the environmental impact statement rules and applicable guidelines of the State of Hawai'i;
- ☐ The names, addresses, and the tax map key identification of owners of real property situated adjacent to and abutting the boundaries of the land on which the proposed structure or subdivision and/or landscaping is to be located; or operation is to occur (attach information);
- ☐ A site plan of the shoreline setback area, drawn to scale, showing:
 - ☐ Existing natural and man-made features and conditions within;
 - ☐ Existing natural and man-made features and conditions along properties immediately adjacent to the shoreline setback area and proposed improvements;
 - ☐ The certified shoreline and the shoreline setback line (submitted under **Part B**);
 - ☐ Contours at a minimum interval of two (2) feet unless waived by the Director; and
 - ☐ Proposed development and improvements showing new conditions with a typical section (if a structure).
- ☐ A copy of the certified shoreline survey map of the property (submitted under **Part B**);
- ☐ Detailed justification of the proposed project, which addresses the purpose and intent of these rules and the criteria for approval of a variance (attach written statement);
- ☐ Analysis and report of coastal erosion rates and coastal processes; and
- ☐ Any other information required by the Director (please list).

Any structure approved within the shoreline setback area by variance shall not be eligible for protection by shoreline hardening during the life of the structure, and this limitation and the fact that the structure does not meet setback requirements under §8-27.3 and could be subject to coastal erosion and high wave action shall be written into a unilateral agreement that is recorded by the Bureau of Conveyances of Land Court, as the case may be. A copy of the unilateral agreement shall be submitted to the Planning Department prior to the issuance of the required zoning and/or shoreline setback variance. Failure of the grantor to record these deed restrictions shall constitute a violation and the grantor shall be subject to the penalties set forth in this Article 3.

For any structure approved within the shoreline setback area by variance, the Applicant shall agree in writing that the Applicant, its successors and permitted assigns shall defend, indemnify and hold the County of Kaua'i harmless from and against any and all loss, liability claim, or demand arising out of damages to said structure and this indemnification shall be included in the unilateral agreement required above.



PLANNING DEPARTMENT SHORELINE SETBACK INFORMATION

Table 1. (This table is included for illustrative purposes only.)

Lots Included in the Kaua'i Coastal Erosion Study. The distance in feet of the shoreline setback line as measured from the certified shoreline based on the average lot depth in feet.

LOTS INCLUDED IN KAUA'I COASTAL EROSION STUDY

Average Lot Depth	Setback Line
Less than 140 feet (<140 feet)	40 feet plus (70 X annual coastal erosion rate) plus 20 feet
140 feet to 220 feet (140-220 feet)	<p style="text-align: center;"><u>Greater of:</u></p> <p>40 feet plus (70 X annual coastal erosion rate) plus 20 feet</p> <p style="text-align: center;"><u>-or-</u></p> <p>(Average Lot Depth minus 100 feet) ÷ by 2 plus 40</p>
Greater than 220 feet (>220 feet)	<p style="text-align: center;"><u>Greater of:</u></p> <p>40 feet plus (70 X annual coastal erosion rate) plus 20 feet</p> <p style="text-align: center;"><u>-or-</u></p> <p>100 feet from the certified shoreline</p>

View erosion rate maps from the County website at
<http://www.soest.hawaii.edu/coasts/kauaicounty/KCounty.html>

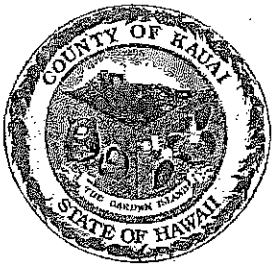
Table 2. (This table is included for illustrative purposes only.)

Lots Not Included in the Kaua'i Coastal Erosion Study.

LOTS NOT INCLUDED IN KAUA'I COASTAL EROSION STUDY

Setback Calculation	
(Average Lot Depth - 100/2+40) Subject to the Following:	
1	For lots with naturally occurring rocky shorelines, the shoreline setback line shall be <u>no less than 40 feet.</u>
2	For all other lots, the shoreline setback line shall be <u>no less than 60 feet.</u>
3	For all lots, the <u>maximum</u> setback that can be required <u>shall be 100 feet.</u>

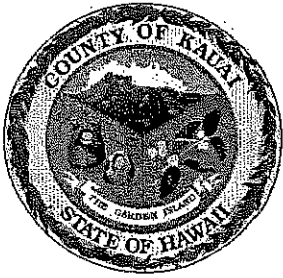
Non-Abutting Lots. If an Applicant is unable to secure permission from the abutting landowner to complete a certified shoreline for a non-abutting lot within approximately five hundred fifty (550) feet of the shoreline, the Planning Director may, pursuant to §8-4.3, impose conditions to zoning permits to increase setbacks where evidence exists that a proposed structure may be affected by coastal hazards or erosion.



PLANNING DEPARTMENT SHORELINE SETBACK INFORMATION

Table 3. This table is presented for Exemption 3 (§8-27.7).

Permitted Structures within the shoreline setback area	
(a)	The following structures are permitted in the shoreline setback area. All structures and/or landscaping not specifically permitted in the section are prohibited without a variance.
(1)	Existing conforming and nonconforming structures/activities
(2)	Structure or activity that received a shoreline variance or administrative approval prior to February 26, 2008.
(3)	A structure or activity that is necessary for, or ancillary to, continuation of agriculture or aquaculture existing on the shoreline setback area on June 16, 1989.
(4)	"Temporary structures" as defined in Section 8-27.2. To ensure that there will be no irreversible or long-term adverse effects, the Director shall require as a condition of a permit the restoration of the site to its original condition or better, and the Director may require a bond to ensure such restoration.
(5)	A structure that consists of maintenance, repair, reconstruction, and minor additions or alterations of legal boating, maritime, or water sports recreational facilities, which are publicly owned, and which result in no interference with natural beach processes; provided that permitted structures may be repaired, but shall not be enlarged within the shoreline setback area without a variance.
(6)	Repairs to a lawfully existing structure, including nonconforming structures, provided that: <ul style="list-style-type: none"> (A) The repairs do not enlarge, add to or expand the structure; increase the size or degree of non-conformity; or intensify the use of the structure or its impact on coastal processes; (B) The repairs do not constitute a substantial improvement of the structure; and (C) The repairs are permitted by the Comprehensive Zoning Ordinance, Development Plans, building code, floodplain management regulations, special management area requirements under HRS Chapter 205A and any other applicable rule or law.
(7)	Beach nourishment or dune restoration projects approved by all applicable governmental agencies.
(8)	A structure approved by the Director as a minor structure.
(9)	Qualified demolition of existing structures.
(10)	Unmanned civil defense facilities installed for the primary purposes of: (i) warning the public of emergencies and disasters; or (ii) measuring and/or monitoring geological, meteorological and other events.
(11)	Scientific studies and surveys, including archaeological surveys.
(12)	Structures built by a governmental agency to address an emergency as declared by the Governor of the State of Hawai'i, the Mayor of the County of Kauai or any other public official authorized by the law to declare an emergency.
(13)	Structures relating to film productions that have received a County Revocable Film Permit. Structures undertaken for film productions must be removed within thirty (30) days following the completion of the film production.
(14)	Structures required for remedial and removal actions undertaken pursuant to Chapter 128D of the Hawai'i Revised Statutes.



PLANNING DEPARTMENT SHORELINE SETBACK INFORMATION

(b)	The following conditions shall apply to any new structure permitted in the shoreline setback area:
(1)	All new structures shall be constructed in accordance with the standards for development in Chapter 15, Article 1, Flood Plain Management, Kaua'i County Code 1987, as amended, relating to coastal high hazard districts and FEMA guidelines regarding construction in areas mapped on Flood Insurance Rate Maps as flood hazard areas.
(2)	The applicant shall agree in writing that the applicant, its successors, and permitted assigns shall defend, indemnify, and hold the County of Kaua'i harmless from and against any and all loss, liability, claim or demand arising out of damages to said structures from any coastal natural hazard and coastal erosion.
(3)	The applicant shall agree in writing for itself, its successors and assigns that the construction of any erosion-control or shoreline hardening structure and/or landscaping shall not be allowed to protect the permitted structure during its life, with the exception of approved beach or dune nourishment fill activities, and landscape planting and irrigation located more than forty feet (40') from the shoreline.
(4)	<p>Unless otherwise provided, all new structures and/or landscaping shall not:</p> <ul style="list-style-type: none"> (A) adversely affect beach processes, (B) artificially fix the shoreline, (C) interfere with public access or public views to and along the shoreline, (D) impede the natural processes and/or movement of the shoreline and/or sand dunes, or (E) alter the grade of the shoreline setback area.
(5)	All new structures shall be consistent with the purposes of this article and HRS Chapter 205A, as amended, and shall be designed and located to minimize the alteration of natural landforms and existing public views to and along to the shoreline.
(6)	The requirements of this Subsection (b) shall run with the land and shall be set forth in a unilateral agreement recorded by the applicant with the Bureau of Conveyances or the Land Court, whichever is applicable, no later than thirty (30) days after the date of final shoreline approval of the structure under Section 8-27.8. A copy of the recorded unilateral agreement shall be filed with the Director and the County Engineer no later than forty-five (45) days after the date of the final shoreline determination and approval of the structure and the filing of such with the Director shall be a prerequisite to the issuance of any related building permit.

CHARLES T. LUNSON & ASSOCIATES, INC. / Mechanical Engineers

98-1277 Kaahumanu Street, PMB 546
Aiea, Hawaii 96701

Phone: (808) 484-9015
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E-Mail: info@charleslunson.com

June 3, 2016

Planning Department
County of Kauai
4444 Rice Street, Suite A473
Lihue, HI 96766

COUNTY OF KAUAI
16 JUN -5 PM:23
PLANNING DEPT.

Subject: Building Permit Application BP16-00001125
Waimea Public Library
Replace Chiller, Pumps and Other Improvements
DAGS Job No. 64-36-6557
9750 Kaumuali'i Highway
TMK: 1-6-007-036

The State of Hawaii is processing the referenced building permit for repairs to the existing Waimea Public Library. The repairs consist of replacing an existing outdoor air conditioning unit with a similar, new unit. Other work includes replacement of pumps and piping, and related electrical work. The project does not include any physical alterations to the existing building. All of the equipment to be replaced is mounted at ground level and is screened by an existing concrete block screen wall that will not be altered in this project.

The existing library was constructed in 1950 and will remain exactly as-is. The failing air conditioning unit was installed in 2000 and requires immediate replacement due to age and deterioration.

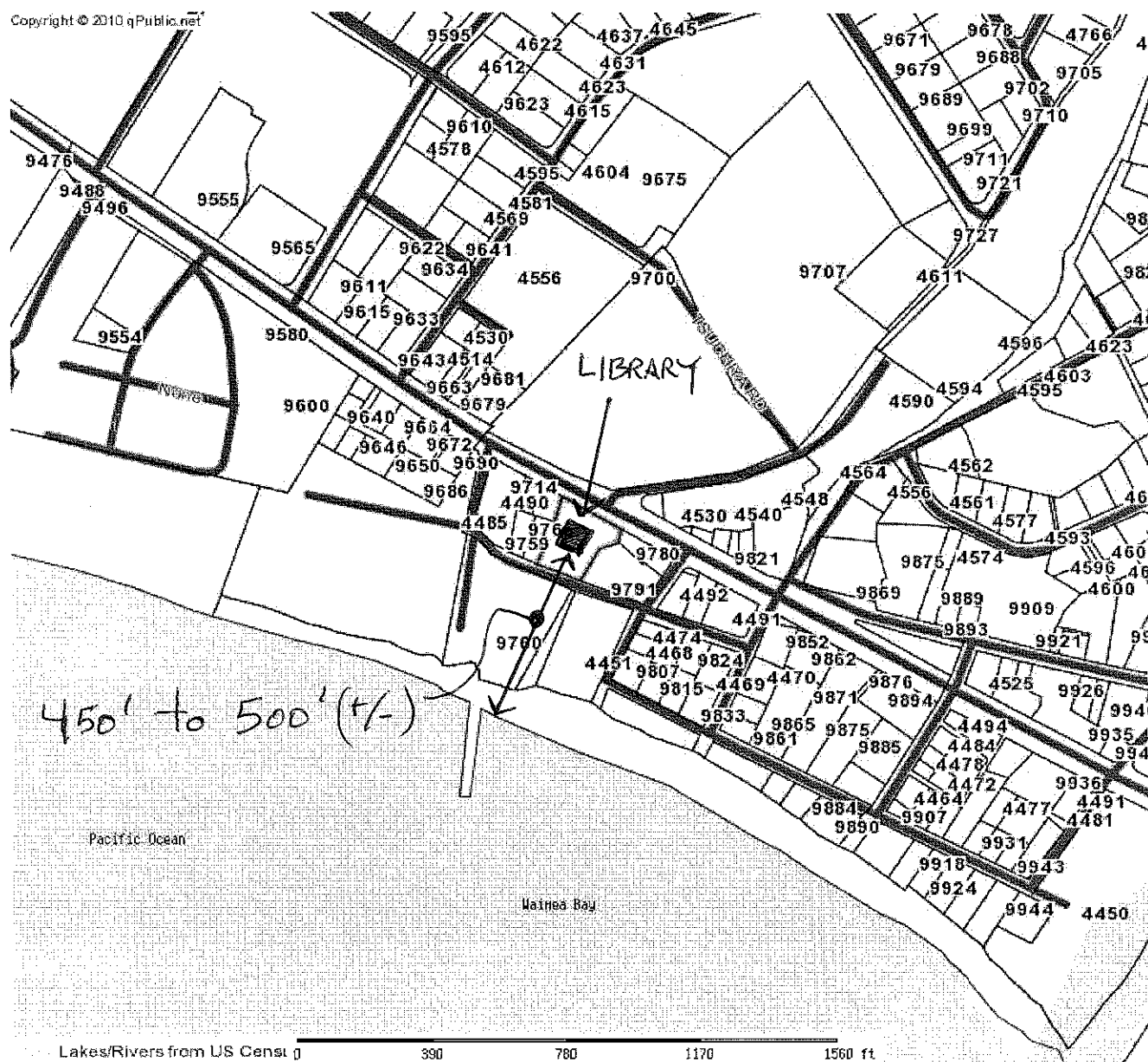
A Shoreline Setback Application is attached, supplemented with a property vicinity map, downloaded from the County Real Property website, and photos of the existing building. It is our opinion that the proposed project will have no effect on the shoreline or any other existing conditions at the property.

Please contact me if there are any questions.



Charles T Lunson, PE
President
Charles T Lunson & Associates, Inc.

Copy: Daniel Jandoc, DAGS Public Works Project Management Branch



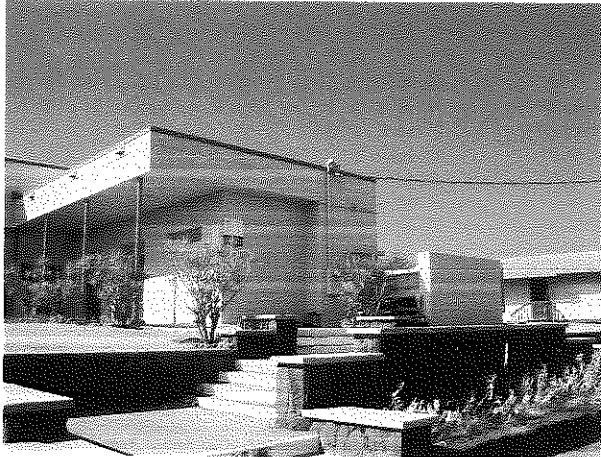
Kauai County Assessor

Parcel: 160070360000 Acres: 0.614

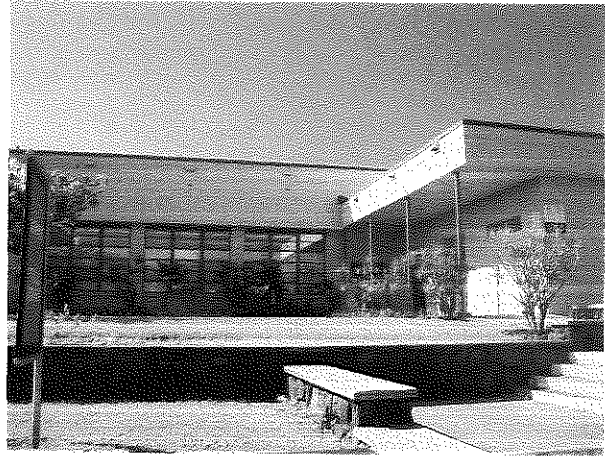
Name:	STATE OF HAWAII	Land Value	
Site:	1-9750 KAUMUALII HWY	Building Value	
Sale:		Misc Value	
		Just Value	
Mail:		Assessed Value	0
		Exempt Value	0
		Taxable Value	0

The Kauai County Assessor's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is subject to change before the next certified taxroll. PLEASE NOTE THAT THE PROPERTY APPRAISER MAPS ARE FOR ASSESSMENT PURPOSES ONLY. NEITHER KAUAI COUNTY NOR ITS EMPLOYEES RESPONSIBILITY FOR ERRORS OR OMISSIONS ---THIS IS NOT A SURVEY---

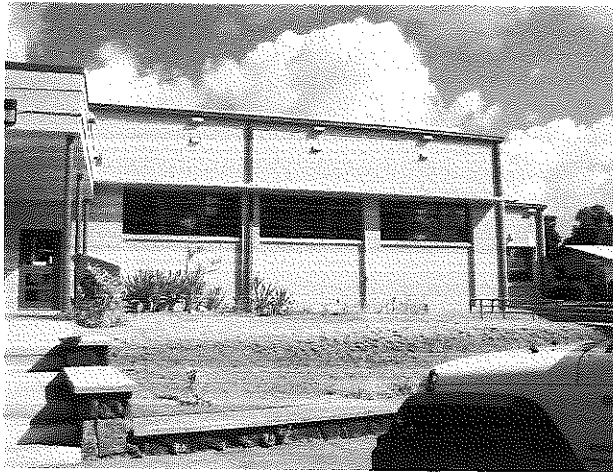
Date printed: 06/03/16 : 23:08:39



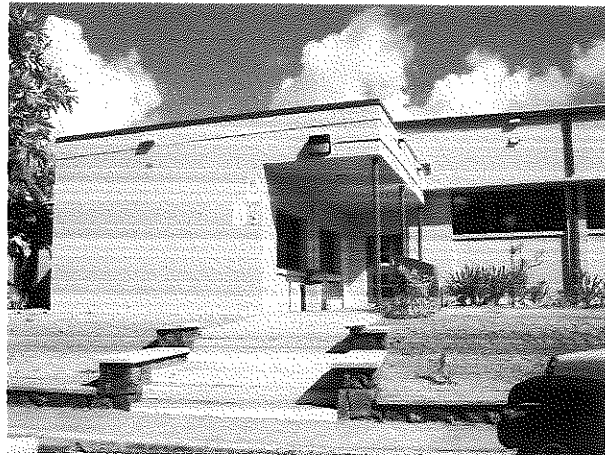
North Elevation showing equipment enclosure



North Elevation



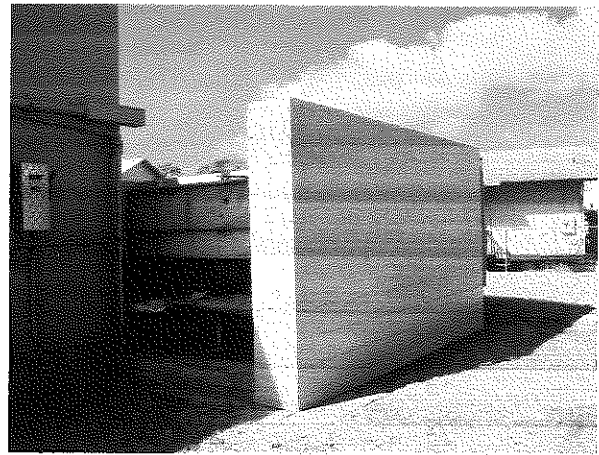
South Elevation



South Elevation



Outside of Equipment Enclosure



Equipment Enclosure